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HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXXIV.

COMPRISING THE PERIOD FROM
THE THIRD DAY OF JUNE, 1836.
TO
THE SEVENTH DAY OF JULY, 1836.

Fourth Volume of the Session.

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1836.

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HANSARD'S

Parliamentary Debates

During the SECOND SESSION *of the* TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
4th February, 1836,
in the Sixth Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Fourth Volume of the Session.

HOUSE OF LORDS,
Friday, June 3, 1836.

MINUTES.] Bills. Read a third time:—Insolvent Debtors' (Ireland).—St. Ann's Chapel (Wandsworth). Marriages' Validity. Read a second time:—Consolidated Fund.

Petitions presented. By Lord WHARNCLIFFE, from KINGSTON-UPON-HULL, against Punishment of Death for any Crime but Murder.—By the Bishop of LINCOLN, from various places, for Better Observance of the Sabbath.—By Earl GREY and Marquess of CLANRICARDE, from various places, in Favour of Municipal Corporations' Act (Ireland), as passed by the Commons.—By the Marquess of CLANRICARDE, from various places, for Abolition of Tithes (Ireland).

RAILWAYS.] The Marquess of *Clanricarde* wished to move the third reading of the Birmingham, Bristol, and Thames Junction Railway Bills, if the proposition were not to be opposed by the noble Duke opposite, who, he understood, was anxious to move a resolution on the subject of Railway Bills generally. He did not believe that the noble Duke would object to the third reading of the Bill.

The Duke of *Wellington* sincerely wished that all these railway projects might prove successful, but in proportion as they were successful, in the same proportion was it desirable that there should not be a perpetual monopoly established in the country. Under these circumstances, he had a strong feeling that it was desirable to insert in all these Bills some clause to enable the Government or the Parliament to revise the enactments contained in them, at some future period. He conceived that, by carrying these measures into execution, a very great injustice was often done to many proprietors in the country, and they were forced to submit to great inconvenience, or to contend against that inconvenience, by means of incurring a very large expense, both in that and in the other House of Parliament. If some measure of the description to which he alluded were not adopted, and if these railroads were to become monopolies in the hands of the present or of future proprietors, they would hereafter be only enabled to get the better of such monopolies by forming fresh lines of road, to the detriment of the interests of the landed proprietors, and to the great increase of expense and inconvenience. These circumstances had most forcibly struck his mind. He had had the subject under consideration for some days; he had conversed with others respecting it, and it appeared to him, that some plan ought to be devised, in order to bring these railroads under the supervision of Parliament at some future period. He, therefore, was anxious that the further proceedings in all these Bills should be suspended for a short time, that he might propose some clause, or introduce some measure, to meet the object to which he had referred. He thought it was a subject, the consideration of which ought not to fall on any individual, but which the Government ought to take in hand. He was, however, perfectly ready to take the responsibility with the Government in proposing such a measure for the consideration of their Lordships; but he did think that something ought to be done, in order that the Legislature might be invested with the power of revising these enactments after a certain time.

Lord *Wharncliffe* approved of the suggestion which had been thrown out by the noble Duke. He conceived that the adoption of some measure of the kind would be nothing more than an act of justice to the landed proprietors.

The Marquess of *Clanricarde* did not mean to discuss the point adverted to by the noble Duke; but he felt it necessary to point out the state of the Bill, which he wished to have read a third time. That Bill had passed unopposed through both Houses of Parliament (but with amendments in their Lordships' House), and it was desirable that it should be read a third time as soon as possible. If it were passed to-night, it would probably be the law of the land on Monday next; but if it were not passed now, it would most likely be a very long time before it became law. He understood that the measure contemplated by the noble Duke would have reference to those Bills which had passed, as well as to those which were to be considered in future. If that were so, the object of the noble Duke would not be affected by allowing the Bill to be now read a third time.

The Duke of *Wellington* denied that the measure which he contemplated was intended to have a retrospective effect. He wished a clause of the nature to which he had alluded to be inserted in these Bills before they became the law of the land. He conceived that this ought to be done on the first opportunity that offered, and he believed that the present was that first opportunity. He was anxious that such a provision as he had described should be inserted as a clause in the Bill; at the same time, he should be very sorry to interfere with the private interests of individuals by any unnecessary delay.

The Marquess of *Clanricarde* found that he had misunderstood the noble Duke, and he would not press the third reading then. When the noble Duke spoke of seizing the first opportunity for the introduction of such a clause, he was in error if he supposed that the present was the first Railway Bill that had arrived at such an advanced stage. He believed, on the contrary, that several Railway Bills had already received the royal assent.

Viscount *Melbourne* said, this was a subject well worthy the consideration of the House. He agreed in the general principle laid down by the noble Duke. Something ought to be done to accomplish the object to which the noble Duke had directed their attention; and he should be happy to co-operate with the noble Duke in the formation of such a measure.

The Marquess of *Lansdowne* wished to know what course the noble Duke meant to pursue?

The Duke of *Wellington* said, that in the course of a few days he should be able to bring forward this subject; and in the mean time it would be necessary to stop the further progress of the Bills now before the House.

The conversation terminated.

BISHOPRIC OF DURHAM BILL.] The Marquess of *Lansdowne,* in moving the Order of the Day for the committal of the Bishopric of Durham Bill, said it was necessary that the measure should be passed with as little delay as possible. There was a clause in the Bill for the abolition of certain local courts. On that point very strong representations had been made, in order to retain one of these courts. He alluded to the Court of Pleas. As their Lordships might deem it expedient not to abolish that Court, and as some alterations must be made in the Bill if that were the case, he trusted that the noble and learned Lord would allow the measure to go through the Committee to-night, *pro forma.* The proposed amendments might then be printed, and they could be considered on the report or on the third reading. By this means all unnecessary delay would be avoided.

Lord *Lyndhurst* said, he was anxious that the Court of Pleas should not be abolished, because the general feeling was, that justice was promptly and effectually administered in that Court. He had no objection to the proposition of the noble

Marquess, and in order to remove any difficulty, he would propose his amendments then.

The Marquess of *Londonderry* said, he could not, in justice to the petitioners against the Bill, let this opportunity pass without again expressing his opinion. It was not his intention to make any observations on the ecclesiastical revenues of the See of Durham, until the Bill appropriating those revenues was regularly before them; but he begged leave to state what was the opinion of the petitioners with respect to the proposed abolition of those Courts. The petitioners clearly pointed out the great loss and inconvenience which the county would experience in consequence of the proposed arrangement. He was extremely sorry that the noble Duke (the Duke of Wellington), who had so frequently declared his anxiety to uphold all our ancient institutions, should have stated it to be his intention to support this Bill. And what were the grounds on which he meant to afford it that support? Why, he said that he would take that course, because the measure was recommended by the Ecclesiastical Commissioners. If the noble Duke approved of every thing recommended by the Ecclesiastical Commission, he must approve of much that was recommended by persons whose opinion, with reference to the Church Establishment, was very different from his own. He, therefore, came to this conclusion, that the noble Duke could not agree to all the details contained in the Reports which had emanated from that Commission. The Commissioners had altered their opinion over and over again. Let their Lordships, for instance, look to the See of Bristol. On that point the eyes of the Commissioners had, it appeared, been opened. If that were so, he could not understand why they should not look again into the case of the county of Durham. Considering the statements made in the petitions which he had presented, it did appear to him that the Commissioners had recommended the Legislature to do one of the most unjust things that he had ever heard of. Now, of whom was the Commission composed? He saw the signatures of Sir R. Peel, of Mr. W. Wynn, &c., affixed to the first Report. To the second Report were affixed the signatures of Melbourne, S. Rice, and J. C. Hobhouse—individuals whose feelings with respect to the Church Establishment were very different from those that were entertained by the preceding Commissioners. These latter individuals were for pursuing a course of parsimonious economy; but he believed if they had a cheap hierarchy they would soon have a cheap monarchy. The second Report, speaking of the palatine jurisdiction of Durham, said, "With respect to the Bishopric of Durham, we have been informed by Viscount Melbourne, that your Majesty has been pleased to approve of a plan for detaching from that See its palatine jurisdiction, and for placing the county of Durham on the same footing as to secular affairs with the other English counties." Now, the noble Duke stated, that he would support this Bill, which removed that jurisdiction, because the proposition was recommended by the Ecclesiastical Commissioners. But it would appear that the noble Viscount was the individual who recommended the plan, and not the Ecclesiastical Commissioners. He could not see, therefore, how the noble Duke could give the measure his support as emanating from the recommendation of the Commission. He should now advert to the reasons which induced the petitioners to object to the abolition of the Courts of Chancery and Pleas in the county of Durham. With respect to the first, they said, "That the Court of Chancery, in particular, gives the advantage to the inhabitants of obtaining the concurrence of infant heirs-at-law and trustees, and of prosecuting the other matters appertaining to the amicable jurisdiction of the Court of Equity at a slight expense." And why, he asked, should that advantage be taken away without full inquiry? It had not been removed from the county of Lancaster, and why should it be taken from Durham? Why should this harsh measure be restricted to Durham alone? With respect to the Court of Pleas, the noble and learned Lord had taken up that subject. He hoped that the noble and learned Lord would succeed in preventing the abolition of that Court; and he trusted that the noble and learned Lord would also make a stand for the Court of Chancery, and prevent it being annihilated. If a proper case were made out for that Court, as he was certain could be done, why should it not be left untouched? He should be glad to know why, in the execution of this difficult task, he was deserted by noble Lords on that side of the

House? On what grounds did they support this Bill? He should, of course, be told, because the measure was recommended by the Ecclesiastical Commissioners. But that was no reason for upholding one of the most unjust and cruel measures that was ever brought before Parliament. The petitioners further stated, in support of the continuance of these Courts,—

> " 1st. That the Courts are of immense advantage to the inhabitants of the county, in enabling them to sue for and obtain payment of debts due to them at a much less expense than in the courts at Westminster. 2d. That if the Courts are abolished, the inhabitants will be compelled to resort to the superior Courts, and thereby be subjected to an increased expense per annum of at least 5,000*l.*. without the slightest additional advantage. 3d. That no case of abuse in the practice of the Courts of Pleas and Chancery can be established to justify their abolition; and in the absence of any such proof, the advantages now enjoyed by the inhabitants ought not to be taken from them. 4th. That no proper inquiry has been instituted into the necessity of the abolition of the Courts, all information obtained having been procured from one or two irresponsible individuals in Durham, by a gentleman sent down for that purpose, and without any public inquiry."

He conceived, after these statements, that their Lordships ought to pause before they consented to such a measure as this. For his own part, he must protest in the strongest manner against the present proceeding for the abolition of those most useful Courts.

The Duke of *Wellington* said, that the noble Lord who had just sat down had complained of his taking him by surprise with respect to the support he had chosen to give the Bill before their Lordships. He (the Duke of Wellington) had been a party to the appointment of the Commission so frequently alluded to by the noble Lord in the course of his speech, and although that Commission had certainly been considerably changed since he was in office, yet he felt happy in being able to give his support to a measure brought forward by his Majesty's Ministers, having the Report of its members for its basis. The noble Lord had complained of his having deserted and disappointed him upon this question; but, in reality, the contrary was the case; for when he bore in mind that the noble Lord, during the time that he (the Duke of Wellington) was in office, had concurred with him in the propriety of appointing the Commission, he thought that he should not be far wrong in saying, that the noble Lord had deserted and disappointed him. He would only repeat, that he felt pleasure and satisfaction in being enabled to give his support to the present or any other measure of his Majesty's Ministers, which he could conscientiously vote for.

The Earl of *Winchilsea* hoped, that when the See of Durham Appropriation Bill should be brought from the Commons, their Lordships would show every attention to the recommendations of the late Bishop, as regarded the institutions in Durham which had been founded by him.

The House went into Committee, and the Bill, with amendments, passed through the Committee. The Report to be received.

HOUSE OF COMMONS,

Friday, June 3, 1836.

MINUTES.] Bills. Read a second time:—Municipal Corporations (Scotland).

Petitions presented. By Mr. Alderman THOMPSON, from the Attornies of Sunderland for Repeal of Duty Certificates.—By several HON. MEMBERS from various places for Amendment of Factories Regulation Act.—By several MEMBERS from various places against Turnpike Trusts Consolidation Bill.—By Mr. LUCAS, from Monaghan, for Excise Licenses (Ireland) Bill.—By several HON. MEMBERS, from various places, that the House do adhere to the Provisions of Municipal Corporations (Ireland) Bill, as originally passed by the House.—By several HON. MEMBERS, from various places for Abolition of Tithes (Ireland).—By Mr. GROTE, from the Stationers of London for a Drawback of the Duty on the Stocks in hand.—By Mr. BOLLING, from Bolton-le-Moors, for equalization of Duty on East and West-India Sugars.—By Mr. PARROTT, from the Dissenters of Totness for Abolition of Church Rates.—By Mr. HOLLAND and SIR E. CODRINGTON, from several places for extension of time of repayment of Money borrowed for Building Workhouses.—By Mr. SCARLETT, from Lewes, against Vote by Ballot.—By Dr. BOWRING, from Fenwick, for Alteration of Law relating to Statute Labour (Scotland).—By Dr. BOWRING, from Fenwick, for Abolition of Flogging and Naval Impressment.—By SIR R. VIVIAN, from Medical Profession (Bristol), for remuneration for attending Coroner's Inquests, and from the Legislative Council of Lower Canada, against alteration of Timber Duties.—By Mr. LOCH, from Spirit Dealers of Kilmaud, in favour of Spirituous Liquors Bill; and from the Hand-Loom Weavers of Saltcoats and St. Quirose, for Regulation of Wages, and from Cature, against Salmon Fisheries Bill.

TITHES AND CHURCH (IRELAND)—ADJOURNED DEBATE—THIRD DAY.] Mr. Sergeant *Jackson* in rising to address the House said, he had offered himself at an earlier period of the debate for that purpose, but had not succeeded in catching the Speaker's eye. He was rather pleased than otherwise at that circumstance, because, since he had before risen, the important question which now awaited the decision of the House had been placed upon its true grounds. The question now resolved itself into this—"are we to have an Established Church in Ireland, or are we not? He, perhaps, might be thought to have stated the question within too narrow a compass, and he certainly did believe it was a question affecting the welfare and dearest interests, not merely of Ireland, but of this great and extensive empire. He believed the question to be this, and no less than this—"are we to have an Established Church within this empire at all?" He believed that if it were not now distinctly avowed to that extent, sooner or later the question must come to that. Nay, he believed that if they went on in the downward course proposed to them, they would at no distant day have to decide whether they were to have preserved to them and their posterity the blessings of the British monarchy and constitution. It had been stated again and again, even within these walls, that this nuisance, as the Protestant Church was termed, must be abated. *Delenda est Carthago* was the cry now used. The hon. and learned Gentleman, the Member for Tipperary (Mr. Sheil) had no later than last night uttered this striking exclamation—"Down with the institution which cannot be sustained save by Old Sarum and Gatton." Therefore, it was now, within these walls and outside of them, boldly stated that the Established Church in Ireland must be destroyed. He was quite aware that the hon. and learned Member, finding from the loud cheers from this side of the House that he had spoken too plainly, afterwards sought to correct his expressions and spoke of the abuses of the Church—but there was no doubt as to the language he had really used, and it was evident from the quarter where the cheers proceeded that his real meaning was perfectly well understood. But even supposing the hon. and learned Gentleman had applied himself to the abuses of the Church, he would ask what were the abuses which he had established or even alleged against the Irish Church? And if the House would coolly and dispassionately consider the subject, he would venture to say, that they would find no ground of complaint, which would justify them in plundering it of its revenues, and signing its death-warrant. He had taken notes of the topics which the hon. and learned Gentleman had urged in his speech last night; and his first charge against the Established Church in Ireland was, that the Clergy of that Church, forsooth, had had the audacity to assert their claim to a legal and incontrovertible right. He begged to know whether they had already arrived at the time when it was to be made a charge against a body or an individual, that they appealed to the laws of the land in the defence, or for the assertion of their own rights, that the clergy were to be maligned and persecuted because they had dared to appeal to the laws for the recovery of their undoubted right? This property had belonged to the Church for centuries; but it rested not merely upon the possession of centuries; it rested upon one of the most solemn national compacts that ever had been entered into. The House would readily conjecture that he referred to the legislative Union between the two countries. By that solemn compact it was made an indispensable and fundamental provision, that the branch of the united Church of England and Ireland, established in Ireland, should be maintained inviolable. And it was not to be forgotten, that this Act of Union was passed subsequently to the period when Roman Catholics obtained political power, as the House was aware that the elective franchise was conferred on the Roman Catholics in 1793, and the Act of Union was not passed till the year 1800. The next charge made against the clergy of the Church of Ireland by the hon. and learned Gentleman was, that they had been aided in enforcing their legal rights by a body called the Lay Association. Upon a former occasion he had not hesitated to avow that he was a Member of that Lay Association. The hon. and learned Member for Kilkenny had given notice of a motion, that he would move for a Committee to inquire into the nature of a certain illegal Association in Ireland, called the Lay Association. He had attended in his place on the day for which the notice stood upon the books of the House, but it was withdrawn *sub silentio*. The hon. and learned Gentleman had renewed his notice, and had fixed it for a day in which it was quite impossible he could have attended. He had mentioned the circumstance to the hon. and learned Gentleman, who had fixed it for another day, but from that time to this nothing more had been heard of it. He would only observe, that when the hon. and learned Gentleman should think proper to bring it forward, he should be ready to meet him. But all the time this notice had been on the books, stigmatising the Association as an illegal Association, and that he supposed was the object of that learned Gentleman. What was the next topic to which the hon. and learned Gentleman (Mr. Sheil) had adverted? He had ventured to say in the face of the Commons House of Parliament, that the Court of Exchequer in Ireland had arrayed itself against the king's Government. Some hon. Members opposite cried hear, hear, but did they think it would be useful to Ireland—did they think it would tend to produce peace and subordination in that country to hear charges of this description brought against those high and respectable characters who administered the law in that country? And he must own that upon this, as upon other occasions, he had been disgusted and shocked that his Majesty's Ministers should have sat silent and heard such charges preferred, and have suffered them to pass unrebuked. He could conceive nothing more destructive to the peace and well-being of society, than that such false charges should be allowed to be brought with impunity against the constituted authorities of the land. It was the duty of his Majesty's Ministers to see those authorities treated with respect, at least with common justice; and he thought they had failed in their duty by permitting servants of their own to join in vilifying the judges of the land. But he would go further and say, that the charge would have been much more correctly stated if it had been inverted, and if it were stated that the Government in Ireland had arrayed itself against the Court of Exchequer. The revered Judges of that high Court, than whom there were not more learned, more honourable, or more highly respected individuals in the land, had pronounced a solemn judgment upon the important question which had come before them. The law-officers of the Crown were seen to enter that Court and argue in favour of those charges with contempt of that Court. The law-officers were replied to by his respected friends, Mr. Pennefather and Mr. Smith, and after a patient hearing and a full debate, the Court had come to a decision, of the correctness of which he believed no lawyer could entertain a doubt. He was rejoiced to hear that an appeal had been lodged against that decision, and he had no doubt whatever upon his mind that the court of *dernier resort* would affirm the decision of the court below. Insinuations were also thrown out against one of the Judges of the Court of Exchequer—namely, Baron Smith—than whom there was not living a man of a higher sense of honour, and more spotless integrity; that he had "conveniently" come down to court after a long absence, for the special purpose of deciding that motion. He would never, please God, hazard an assertion on a matter of fact, in that House or elsewhere, of which he had not satisfactory evidence; and, therefore, he had abstained, when that vile insinuation had been thrown out, from stating that of which he then entertained no doubt from his recollection, namely, that it was utterly destitute of foundation; but now he was able to state with absolute certainty, having ascertained the facts whilst in Ireland during the recess, that the learned Baron, whose absence from the bench had been occasioned by a severe indisposition, in his anxiety to discharge his public duty, though by no means recovered, had come down to court on the Monday preceding, and had sat on the Tuesday, the Wednesday, and the Thursday immediately preceding the Friday on which the motion in question came on; and he could tell the hon. and learned Gentleman, or rather he would tell the House, upon the authority of that eminent and independent Judge, that he had no more idea that such a motion was depending, or likely to come on, than he had of what was to be moved in Westminster-hall on that day; and as the motion lay upon his Majesty's Attorney-General, it is obvious that it could only have been known by communication from him, whether he intended to bring it forward, or at what time; and yet this insult was offered to one of the King's Judges in the presence of his Majesty's Ministers and his Attorney-General for Ireland, who neither rebuked nor repelled it. The next topic to which the hon. and learned Member for Tipperary had referred, was one to which no man of humanity could advert without pain—namely, the collision at Rathcormac, in which human life had been sacrificed. But he begged to know who were the persons responsible for the collisions which had taken place? A tremendous responsibility it was [*cheers*]. Did the hon. Gentlemen opposite by their cheers mean to charge it against the Irish Church? [*cheers*]. Did they charge it against the clergy of that Church? [*cheers*]. He supposed he was to conclude from these cheers that they did—but he begged leave with great respect for those who cheered, to deny the charge as applicable to the Church or her ministers. He thought it capable of demonstration, that the persons who agitated Ireland, both lay and clerical, were responsible for these tremendous results. He was quite aware that the dreadful affair of Rathcormac was charged upon the Irish Church. There never was, in his opinion, a charge more devoid of truth—and as he had the means of referring to the depositions taken before the Coroner, and to the affidavits which had been brought before the Court of King's Bench, in the motion to quash the inquisition of the Coroner's Jury, he would beg leave to state to the House the real facts of the case: Archdeacon Ryder was rector of a parish in which the premises of the Widow Ryan were situated, from whom a large arrear of tithe composition was due to him. He was desirous of obtaining it, but was told by her that she dare not pay it—that she was perfectly willing to do so, but that were she to pay it without compulsion, her life would not be worth a week's purchase; but she said that if Archdeacon Ryder would apply to the proper authorities, and would bring a party of the military into her neighbourhood, she and her neighbours would cheerfully pay. He (the Archdeacon) accordingly obtained the assistance of the military, and they went to the spot under the direction of a justice of the peace. Let it be remembered that this did not occur under the administration of the right hon. Baronet, the Member for Tamworth, but under the one which preceded it. He did not state this for the purpose of casting any imputation upon that Government. It was the duty of every Government to enforce obedience to the law, and therefore they did nothing more than their duty in granting the aid of the military on this occasion. The military party assembled and marched towards the place. The peasantry, not of the neighbourhood, but brought from a distance, strangers, to the number of several hundreds, as it appeared in evidence at the inquest, collected together, armed with bludgeons and deadly weapons, also proceeded towards the place, yelling "no tithes," "down with tithes," and other exclamations of that sort. The mob took another route, and arrived before the military at the house of the widow Ryan. Archdeacon Ryder went to the house of this woman, and asked her for her tithe: she was actually about to pay it, but was prevented, and the military were attacked; and a similar scene to that which occurred at Carrickshock was likely to result. The military refrained as long as possible from using their fire-arms, but, in the last extremity, to prevent themselves from being destroyed on the spot, they were compelled in self-defence to fire, and unfortunately lives were sacrificed. He did not hesitate as a lawyer to say, and he spoke in the presence of lawyers, that if a lawless and riotous mob armed themselves for the purpose of altering by force that which is established by the law of the land, such an assembly is of a treasonable character. It amounts to a levying of war against the King, and no man could doubt that the military and police were fully justified in resisting such a mob, especially in defence of their own lives. Unfortunately death had ensued, and no man in the House or out of it had more deeply deplored that calamity than the clergyman and magistrates unhappily concerned in that affair. He knew one of them, and he never witnessed mental agony which could be compared to that which that gentleman appeared to suffer in consequence of that melancholy transaction. Nothing could be more scandalous than the scene which occurred at the inquest. The Jury, in place of being returned by constables, were absolutely nominated by bye-standers and partizans, and several of them had but a partial view, and heard part only of the evidence; and could it be wondered at, under such circumstances, and amidst all the excitement and ferment which utterly prevented them from forming a calm and dispassionate judgment, that the Jury found a verdict of wilful murder against the parties concerned? This was not to be submitted to, and the magistrates applied to the Court of King's Bench to quash that inquisition, and the Court did quash it, and thereby frustrated the obvious intention of that most unjust and irregular finding, which was to put the accused upon their trial, without the constitutional intervention of a Grand Jury. A Bill was afterwards sent up to the county Grand Jury, and he was happy to say the three-and-twenty Grand Jurors of the county of Cork unanimously ignored it. These were the simple premises upon which the charges to which he had adverted were brought against the Irish Church, and he thought, that if the House would do him the honour to give him credit for the accuracy of the facts which he had stated, they would be satisfied that there never were charges more unfounded. It was his duty to set this matter in its true light—for it was continually brought forward, both within this House and out of it. It had become the war-cry of the opposite party; it was used at all the elections in Ireland—and nothing was left undone to excite the popular mind; placards were posted, and paintings, or rather daubs, of the scene at Rathcormac, were exhibited in the city of Cork, at the election, on the walls of the Committee-room of the popular candidates, the effect of which virtually was, greatly to endanger the public peace and the safety of electors in the opposite interest. The hon. and learned Member for Tipperary had next alluded to what occurred at Inniscarra, another of those unfortunate transactions; and he (Mr. Jackson) would confidently submit to the House, after laying before them a simple statement of the facts of that case, whether it was just to stigmatise the clergyman connected with that transaction as a murderer. The hon. and learned Gentleman had drawn a most touching picture, in his powerful language, by which the hon. Member had, no doubt, carried away the feelings of many hon. Gentlemen; and he had represented this clergyman as wiping away his tears with fingers dripping with the blood of his victim. But the misfortune of this and many other of the representations of the hon. and learned Gentleman was, that there was not a particle of truth in them. [Mr. *H. Grattan:* It is fact.] What, Sir, exclaimed Mr. Sergeant Jackson, a matter of fact! Does the hon. Gentleman know that the rev. clergyman was not present upon the unhappy occasion? [Mr. *Grattan:* I mean it is matter of fact that he shed tears.] It was true he had shed tears while narrating the circumstances of the case before the inquest, and it was no disgrace to him to have done so; but did the hon. Member for Meath mean to say that it was literally true that the clergyman wiped away his tears with his bloody hands? [*He loaded the pistols for the bailiffs.*] He was sure that the hon. and learned Member for Tipperary could not mean to make any such representation as being literally true; but unhappily it did too often occur that his imagination and fancy supplied him with pictures which were a very bad substitute indeed for matters of fact. He had already stated to the House, that the reverend gentleman alluded to was not present at the conflict at all. It had, however, been said that he had loaded the pistols. But the House should know the real facts of the case as regarded that. This gentleman had tithes due to him for three or four years in the parish of Inniscarra. He was a gentleman who had conciliated the love and respect of those around him, even of his Roman Catholic parishioners. He applied to the Government for assistance to make effectual the service of his processes—the Government told him, he should have the requisite assistance; but it afterwards turned out that the Government refused the aid, being informed, he knew not by whom, that as the proceedings were by virtue of subpœnas into one of the superior courts of Dublin, the clergyman need not ask the assistance of Government, for he would obtain a substitution of service, and the benefit of the writ of assistance which would be issued by that Court. The clergyman consulted counsel, and they told him what no lawyer would dispute, that the Court of Exchequer, would not substitute service, nor grant a writ of assistance, until service had been endeavoured to be effected, and resisted or frustrated by force. He then, upon the advice of counsel, resolved to attempt the service. The country was in a most excited state in consequence of tithe agitation, and he knew that the lives of those who went out to assist in the service of his processes would be in the greatest danger, if they had not, in the absence of any military or police, at least arms to defend themselves in case of need. That gentleman had not a single pistol in his house; he never kept them. For a long period before this occurred he had lived in the greatest danger; it was impossible for him to leave the house even for a short time, but the hills were lighted up, he heard signals by whistles and horns wherever he showed himself, so as plainly to indicate the hazard he ran in venturing out; and even the females of his family (his wife was an English lady, unaccustomed to scenes now but too familiar in the unhappy sister country) were miserable when it became necessary for him to leave his house for a moment. While the neighbourhood was in this state, he found it absolutely necessary to give his men fire-arms, to enable them to defend themselves, if attacked, in serving his processes; and he sent to the city of Cork for pistols for that purpose. One party went out to attempt service; they were hunted through the country for their lives, and were unable to effect their object. Another party was sent out with the same intention; and they had succeeded in serving one man, when, upon their return, the country was raised; they were pursued, and after retreating for some time with their faces turned towards their foes, they were compelled to turn and run for their lives; an old man, less swift than others, was left behind—he was closed upon by the mob—they beat him into a dyke with stones, and they succeeded in depriving the poor old man of his life; the murderer who was slain on that occasion, was in the very act of striking him, whilst down, when the old man fired his pistol, and so close was the man to him that his clothes were actually discoloured by the gunpowder; to say, therefore, that it was a wanton firing upon the people was a most grievous perversion of the truth. And was it just, he would put it to any hon. Member, to charge upon the clergy of the Irish Church the scenes of Rathcormac and Inniscarra? There was one fact he had omitted with respect to the Rathcormac affair; upon the motion in the King's Bench, to quash the finding of the coroner's inquest, the coroner had stated, on his oath, in one of the affidavits filed on that occasion, that he believed the publications which had gone forth, particularly certain letters addressed to the people of Ireland, telling them that the military had no right to enter upon the premises to distrain or seize tithes, and telling them how far they might go in resisting the persons engaged in levying tithes, had influenced the Jury in coming to the monstrous decision—charging wilful murder against the magistrates and other parties concerned. Such were the real facts of those cases which the hon. and learned Gentleman had pictured in such glowing language last night—language which it was impossible to hear without it producing a very considerable effect; but he put it to the House whether, when the speech of that hon. and learned Gentleman was taken to pieces, analyzed part by part, it did not all fritter away into utter nothingness? What was the next topic to which the hon. and learned Gentleman had adverted? Why, forsooth, the clergyman of his parish had had the audacity to sue him for that which he had a right to demand, and which, as a gentleman of rank and large fortune, he was fully able to pay. What was the answer of the hon. and learned Gentleman? Why, he wrote a letter to the clergyman, stating that he had his option between losing his seat for Tipperary and paying his tithes. Was that a fitting answer from one gentleman to another, in reply to a demand of a legal right. He knew it had been made a charge against him of breach of faith for reading that letter in the House; but it had been published in the newspapers long before he had read it—not only that particular one, but others which the hon. and learned Gentleman had written, of a similar nature, to the clergymen of different parishes in which he owned land; and they had been advised, rightly advised, to set those letters first in the bills in the Court of Exchequer, which they had done accordingly. He trusted he had, therefore, done nothing derogatory to his character as a Member of that House, or as a gentleman, in reading that letter—which had not only been previously published in widely circulating newspapers, but were placed upon the public files of a court of justice. Had it been a document of a private nature, or had it been obtained in any sinister or unbecoming manner, all who knew him would, he was confident, believe him to be incapable of bringing it before that House. But being a document of a public nature, and of great importance, and bearing so strongly upon the matter in issue in that House, as well as in the Court of Exchequer, he was not merely justified, but bound to make use of it. But the hon. and learned Gentleman had told them, that ever since that letter had been published, the clergyman in question had been unable ever to go to church on a Sunday without the protection of a guard of police. He believed there were Englishmen in his hearing who loved and revered the laws of the land—who would willingly lay down their lives in defence of these laws. He would ask, then, was such a state of things to be endured? Was it to be endured that the country was to be brought into such a state, that a clergyman dare not go to the house of God without the protection of a police force? Some hon. Gentlemen seemed to imply by their cheers, that all this might be justly charged upon the clergy themselves. [*No!*] He was glad he had mistaken the hon. Member. But he again put it to the House, if the clergy were not chargeable with these things, who were? There must be some cause; it did not happen by chance. He would tell the House the cause. It was the prolonged, the reiterated agitation that was kept up—the exaggerated and highly-coloured statements that were addressed to an inflammable people. For with all the good qualities which belonged to his countrymen, any body acquainted with them knew well that they had one defect in their character, that they were easily led either for good or for evil. The Protestant clergy and the King's troops were designated as murderers and blood-stained men, and with such excitement as this, was it to be wondered at that the people were urged to excesses. At the last election for Tipperary, placards were circulated calling upon the people, by their hatred of tithes and by the blood that was shed at Rathcormac, to vote in a particular way. The word blood in those placards was printed in large red letters, and the rest of it in black type. Now, he put it to the House, when such means were used to excite the feelings of so irritable and warm-tempered people as the Irish, was it to be wondered at, that the lives of that persecuted and maligned body of men, the Irish clergy, were put in the most imminent jeopardy? He would read some extracts from two letters received from two clergymen in Ireland. He should not for obvious reasons mention names; in the present state of Ireland it would probably endanger their lives. The writer of one of the letters said—"My feelings will not allow me to give a particular statement of the privations and sufferings to which my family and I have been exposed since the conspiracy has been formed against us; but you can form a fair estimate of these, when I state, I have a standing family of thirteen individuals, subsisting for the most part on the produce of my glebe of twelve acres, cultivated principally by my sons. As for money I can get none: and the Government loan was by no means adequate to the liquidation of my debts, which accumulated in consequence of my being obliged to deal on credit. Since October last I have had but 5*l.* in my house, and that borrowed; all my resources are now exhausted; I have been unable to release my letters from the office; my servant has given me notice, and demands his wages; I have no prospect of making a tillage to the supply of such a long family with the common necessaries of life for the ensuing season." The writer of the second letter stated, that the Roman Catholic priest of the parish had publicly affirmed to his flock, that the writer would probably send him to gaol for the non-payment of his tithes, and that he would rather go to gaol than pay them. Would the House believe, continued the hon. Member, that the clergyman to whom he alluded had, according to the uniform custom of his brethren, and long before the slightest resistance to tithes commenced, written to the priest to say, that during the period of his incumbency he would exact no tithes from him? The very priest who had made this public statement, with the inhuman purpose of exciting his parishioners against the Protestant clergyman, had returned the following answer:—"I have again to thank you for your kind, generous, and gentlemanly conduct, and I beg to assure you of my sincere and deep and lasting gratitude?" The clergyman also stated, that in consequence of the violent speeches of the priest, he could not stir from his House without being hooted and insulted, and that indecent and disgusting language was used to his children. On one occasion, the gentleman to whom he alluded had been waylaid by six persons, on his return from church, and was only rescued by the merciful interposition of Providence; and, on the same day, he was attacked by three persons, who detained him until he had consented to levy no tithe from them. Was it possible to imagine anything more affecting than the picture presented by this letter? Yet, notwithstanding all, that clergyman continued to go and preach affectionately and earnestly to those who thus persecuted him. And he thought that nothing but a high and noble Christian principle could ever have enabled him to persevere, under such circumstances, in the discharge of his duty. Yet the cry was raised, that the number of these clergymen should be reduced as much as possible, that they were to be numbered only in proportion to their Protestant parishioners. But no one could maintain that ministers of the Established Church had no duties, no religious duties, to perform towards those who were out of the pale of their communion. He thought it was a mischievous fallacy to assert that the duties of clergymen of the Established Church, especially in Ireland, were to be confined solely to their own flocks. The clergyman obviously was bound to administer to the temporal wants of such of his flock as required assistance; and, though there might be some exception, it could not be denied this was a duty which the clergy of the Irish Protestant Church were ever ready to perform. He would not hesitate to say, that the greatest misfortune the poor of Ireland could sustain would be, in being deprived of the superintendence and affectionate care of the Protestant clergy. They would then be left without assistance in the absence of their natural protectors, the proprietors of the soil, who resided out of the country, and who abstracted from it annually large incomes. He wished from the bottom of his heart, that some plan could be devised (and nothing could be more patriotic), by which the residence of the landed gentry of Ireland could be secured in that country. Before he arrived at the matter more immediately under discussion, he must be permitted to refer to some remarks uttered in the course of the debate yesterday, by the hon. Member for Lincoln. No sooner had the destitute condition of the persecuted clergymen of Ireland become known in this country, than one of the most munificent contributions ever raised was entered into for their relief. And how had the hon. Gentleman talked of it in that House, in the presence of many who subscribed to it? He had mentioned the collection as " an ostentatious display of piety." He could conceive of nothing more unjust to the individuals concerned in these subscriptions, than to stigmatise them thus. He (Mr. Jackson) would remind the hon. Member also, in passing, that four of the Cabinet Ministers (to their honour be it spoken) had joined in this " ostentatious display of piety." And here let him (Mr. Jackson) observe, in defence of the Lay Association, that they would have been more or less than men had they not come forward to aid their own clergy, in their deplorable condition, in the legal assertion of their rights. Would the House believe that the distresses of the Irish clergy, instead of meeting with sympathy from their brethren of another Church, had been absolutely made the subject of ridicule and sarcastic allusion, by an eminent dignitary of the Roman Catholic Church. —Dr. Mac Hale, who, in a letter addressed to the Bishop of London, used the following expressions;—" There is something in the very soil and atmosphere of Ireland uncongenial to the growth of error; its people are too quick and intellectual in their conceptions, too lofty in their hopes, ever to bend their necks to the ignominious yoke of an Establishment. He (Mr. Sergeant Jackson) supposed the right rev. Prelate was opposed to all establishments: he, however, was a friend to Establishments—he considered it the duty of every Christian state to establish the Christian religion, and he hoped the country would never be deprived of the blessings which flowed from a Protestant Establishment. However, the right rev. Prelate considered it as an " ignominious yoke," and taught the people to consider it so. But the next part of the letter was far more reprehensible:—" The Parsons, whose deeds united with the decrees of the Lords, have doomed the Establishment to destruction, are already commencing the practices of the Catholic Church. Fasting is becoming a favourite observance. Nay, hateful as celibacy appeared to the Protestant churchmen, they are beginning to agree with Malthus, that it would be unjust to be burdening society with an unprovided offspring." Was it credible that a man calling himself a minister of the Gospel should use such language as this? He would put it to the noble Lord on the other side, whether he would lend his great influence, his powerful aid, to advance the desperate and wicked purposes of men capable of such abomination as this—if he would lend them the weight of his talents and character, which he could assure him was highly estimated, not only in this country, but in Ireland? He put it to the noble Lord, as an attached member of the Established Church, as, he verily believed, a sincere Christian, if he would throw his weight into the scale, for the purpose of advancing the iniquitous pratices of such a man—a man who had the hardihood to address such a letter to a Prelate of the Established Church, and declare that the Church was doomed to destruction? He would not trouble the House by reading again what he had read last year—the letter of this same Prelate, in reference to the mission to the Island of Achil, in which he stated that the Establishment was to be destroyed, and represented it as taking its last refuge in that desolate spot. He would not detain the House by going farther into the speech of the hon. and learned Member for Tipperary. He always heard that hon. and learned Gentleman with admiration, though not always with pleasure, and there was always a great deal in his speeches to which he could not agree. But he must be permitted to say, that he had put into his address last night, a variety of topics which had nothing whatever to do with the question before the House. He had, for instance, adverted to the case of Prussia, and stated that there Roman Catholics and Protestants lived together in peace and harmony. But did the hon. and learned Gentleman desire to be ruled with a rod of iron? Would he rather be the subject of a despotic, than a free state? for such was the state of things in Prussia; but in Ireland they enjoyed, at least to some extent, liberty; and therefore he (Mr. Jackson) could not admit that there was any analogy between the two cases. The case of Scotland had been referred to by the hon. and learned Gentleman, and also by the hon. Member for the county of Limerick (Mr. W. S. O'Brien), who spoke as if there were as much difference between the Church of Scotland and the Church of England, as between the Church of England and the Church of Rome. He was surprised that any Gentleman could make such an assertion. There must, it was true, be some difference between the forms of the two Churches, but there was none in the great articles of our faith. The Churches of Scotland, England, and Ireland, were, in fact, one and the same branch of the Christian Church, differing in not one of the essentials of doctrine. But the hon. Gentleman called upon the House to deal with Ireland, as it had dealt with Scotland, and told us that such a course of policy would be followed by the same results in the one case as in the other. He asked the House to reduce the incomes of the Irish clergy to the level of the very modest stipends of the ministers of the Scotch Church, and he told them, that if they did so, all the grievances of the Roman Catholic population would be removed, and all would be tranquil. He however could inform the House (and he spoke under the correction of many hon. Gentlemen from North Britain) that, notwithstanding the economical provision made for the clergy in Scotland, a most embittered persecution had been raised against the Established Church—not, indeed, by the Roman Catholics, but by those who dignified themselves with the title of voluntaries. Surely the hon. Gentleman knew that it was vain to expect that the same line of policy, if followed in Ireland, would satisfy all parties. The hon. Gentleman had proceeded to bring a charge against the Irish Protestant Church, which he entreated the House to consider. The hon. Gentleman had stated that the Irish Church was a remnant of the penal code. What! was the Established Church to be treated as a remnant of the penal code which the wisdom of Parliament had abolished? If the hon. Member was correct in saying that it did form part of that code, then, of course, it should be swept away at once; for the wisdom of the imperial Legislature had already decided that all penal laws should be for ever extinguished. But he denied that in any sense it was part of the penal code. Mr. *Ward:* It is.] Would the hon. Gentleman the Member for St. Alban's, tell him what made it a part of the penal code? Would the hon. Gentleman lay his hand on the Statute which enacted that the English Church should be established in Ireland? Was not the penal code enacted in Ireland long after the Protestant Church had been established there? Did the hon. Member know the dates of the penal laws, that they were not enacted till the reigns of William 3rd. and Queen Anne? Was not the Established Church of Ireland recognized by ancient and modern Statutes by the legislatures of both countries, while Ireland had an independent legislature? Did not the Act of Union recognise and confirm it? Was not the Established Church declared to be an essential and fundamental part of the Union, and was it not even recognised by that great Charter of the liberties of the Irish Roman Catholics, passed in the year 1829? Were not the greatest pains taken in framing that Act, to preserve from peril the Protestant Established Church in Ireland? and after all this was it to be termed a "remnant of a penal code?" It was false to say that the tithes, or the composition which the wisdom of the Legislature had substituted for tithes, by one of the most beneficial Acts that ever passed the Legislature, were borne by the Roman Catholic occupiers of land in Ireland. They were paid by the proprietors of the soil. He did not mean merely the owners of the fee-simple, for it was well known that most noblemen and gentry in Ireland, in former times, let their lands on leases renewable for ever; and it was to that class of persons which thus stood between the owner of the fee-simple and the occupying tenant which paid the tithes or composition. It should never be lost sight of that the great body of the property of Ireland was in the hands of Protestants, and that it was they, therefore, and not the Roman Catholics, who chiefly bore the burthen of tithes; and if tithes were to be abolished to-morrow they would go into the pockets of the proprietors, and not into those of the occupiers. The hon. and learned Member for Tipperary had spoken of the conduct of Russia towards Poland, and affirmed that Russia endeavoured to maintain its influence in the latter country by forcing the Greek Church on its inhabitants. And so the hon. Member argued, that there was a perfect parallel, and that the mode in which British interests were maintained in Ireland, was by upholding the Established Church. Whether the example cited by the hon. Member bore on the subject or not, he thought there was some truth in his conclusion. Establish the Church of England in Ireland, and we have a strong bond of connexion between the two countries; abolish it, and you sever, at once and for ever, the strongest link which unites them. One of the objects of the establishment of the Protestant religion in Ireland certainly was, to preserve the Union between the two countries, and to advance civilisation in Ireland. It was well known, thatprevious to the introduction of Protestantism into Ireland, the people of that country were in a state of utter darkness, uneducated, ignorant, and barbarous; and he (Mr. Jackson) would observe, that one of the greatest obstacles to the advance of the Protestant religion in Ireland was, a want of a knowledge of the Irish language on the part of the Irish clergy. And this must go a great way towards solving a problem which the hon. Member for Weymouth (Mr. F. Buxton) seemed very anxious to have solved, viz., how it was, that although the Church of Ireland had existed for 300 years, it had literally done nothing? He begged leave to inform the hon. Member, that though stagnant for too long a period, of later years it had made great progress. It was remarkable that no outcry was raised against it, no turmoil or disturbances took place, while its clergy were negligent and regardless of their duty, and did nothing in return for the income they received; but as soon as the body of the clergy became earnest, zealous, indefatigable in the discharge of their duty, then agitation commenced, and the passions of the people were roused into hostility against them. Before he sat down he would show the House that the Returns of the Commissioners of Public Instruction did great injustice to the Church, and were not to be relied on as to the progress of Protestantism in Ireland. One great reason for the Protestant Church not advancing in Ireland in former times had been, that the Ministers appointed were not men capable or willing to instruct the people, but men who were ignorant of their native language; and it would have been a miracle had such men much assisted the progress of Protestantism in that country. But he rejoiced that the day had arrived, when the Bishops and clergy of the Established Church had felt it their duty to surmount the labour and toil of acquiring the Irish tongue, and the consequence was that the people flocked to hear those ministers who addressed them in their native language, and, please God, would continue to do so. He rejoiced to know, that in the place of the lazy, indolent, unlettered men, who were formerly sent out, as it might be said, and he was willing to admit, that in many instances this might be true, to fatten on the spoils of the country, the Protestants of Ireland possessed, at the present moment, as learned, as able, as exemplary, as devoted, and as indefatigable, a body of clergymen as adorned any church in the Christian world. This rested not on the testimony of Protestants alone; it was a fact to which many Roman Catholic ecclesiastics had borne testimony. The necessity of a Protestant Establishment in Ireland had been acknowledged at a period so early as the reign of Charles 1st. In 1641, the Lord Deputy Wentworth, dissuading his royal master from entering into a foreign war, wrote to that monarch in these terms:—"His Majesty must defer the great, excellent, and necessary work of bringing this people to a conformity in religion, till which be effected, the Crown of England may not trust, nay, indeed, ought not to hold itself secure of this nation, which, however peaceable and still soever we may think them, are in an instant to be blown up by the Romish clergy into a tempest, not only to the disquietude, but great hazard of the state." It would almost appear as if the Lord Deputy had looked two centuries in advance of his age; and certainly this was too much the conduct of the Roman Catholic clergy at the present day, as the Irish Tithe Question and the Municipal Reform Bill fully proved. The Lord Deputy added, in another place—"I see plainly, that so long as this kingdom continues Popish, they are not people for the Crown of England to be confident of; whereas, if they were not still distempered by the infusion of Friars and Jesuits, I am of belief they would be as good and loyal to their King as any other subjects." Such was the opinion of Lord Deputy Wentworth. But to return—The real grievance was this, that the revenues of the Protestant Church were continued to it, and were not disappropriated from it to secular purposes. And he must say, that the noble Lord, the Secretary for the Home Department had laid down a doctrine which would seem to justify the complaint. He had uttered an observation to this effect—that the established religion of a state ought to be the religion of a majority of the people. If that were so, then the Roman Catholics of Ireland must think it a grievance that the Established Church of Ireland was the religion of the minority of the people of that country. If it were a grievance, then its property should be taken away from it altogether; and where was the consistency of those who stopped short in their work of appropriation at this paltry pittance of 50,000*l*., or it might be, 90,000*l*.? To act consistently, ought not his Majesty's Government to give up to the hon. Member for Kilkenny the entire Church property? [Mr. *O'Connell:* Not the entire.] No, not the entire! Well, then, what part did the hon. and learned Member intend to take? Would he stand still at 50,000*l*., and be content with the sop for ever? He would answer that question for the hon. and learned Member, and say that he would not. He had before said, and he would repeat, that the real object of a large party of those who supported the Bill was to put down the Established Church in Ireland. He said, that the object of asserting this barren principle of a surplus which he believed would never be realised, and which at present was a mere shadow, and would never in future become a substance, was to obtain a fulcrum, on which certain parties might erect their machinery to overthrow the Protestant Establishment. The hon. and learned Member for Kilkenny would never be contented with the mere assertion of an abstract principle. He would one day follow it up; the hon. Member had said that he would do so, and he did the hon. Member the justice to believe, that in this instance he would be a man of his word. He would prove the hon. Member's intentions by reading to the House a passage from a letter addressed by the hon. and learned Member for Kilkenny to another hon. Member of that House, the Member for Dundalk, whose sentiments on this subject he anticipated that he should hear before the conclusion of the debate. He expected that that hon. Member would inform the House that he, and others who thought with him, would never be satisfied with anything else than the absolute demolition of the Church of Ireland. He was sorry that the noble Secretary of State was not present to hear the honest cheer of the candid Member for Dundalk. He was sorry that none of that noble Lord's colleagues were present to hear it. He was well aware that anything he could say would have but little weight with Ministers; and, indeed, there was not one of them present. If they were, they might learn a lesson as to the views and opinions of the hon. Gentlemen opposite, from their looks, and their manner, and their cheers upon this occasion. To return, however, to the letter written by the hon. and learned Member for Kilkenny, in September, 1834. That hon. Member was apologising to the hon. Member for Dundalk, for not having conformed to his particular views on the tithe question; and in apologising to him for not having gone as far as the hon. Member for Dundalk (Mr. S. Crawford) had wished him to go, was informing the people of Ireland of the full length he intended to go at some convenient opportunity. "It is true," said he, "that I demanded for the present but a partial reduction of tithe; it was three-fifths I asked for. Why did I not ask for more? Because I had no chance of getting the entire amount abolished at present, and I was refused even the extent I asked for. I asked for three-fifths,—I only got two-fifths. I had not the least chance of destroying the entire amount of tithe." It appeared from this that the hon. and learned Member had excellent intentions at that time, and that the hon. Member cherished them up to this hour he was ready to warrant. The letter then proceeded:—"I am one of those who are always ready to accept of any instalment, however small, of the debt of justice due to the people, that real national debt." [*Cheering from Mr. O'Connell and the Ministerial Members.*] Yes—it is well known that the hon. and learned Member is always ready to accept any instalment, however small; that is notorious. Aye, and "that debt of justice to the people" is a useful word too. Justice to the people!—justice to Ireland! That meant for this turn the entire demolition of the property of the Protestant Church of Ireland. But the hon. and learned Member, to make his meaning clear, added, "I am determined to go on and look for the remainder as soon as the first instalment is realised." This was language, as to the meaning of which it was impossible that there could be any doubt. It was a pledge that, though he might accept the first instalment, he would have the rest; and he was sure that the hon. Member, if he could, would have the rest. He hoped that some of the noble Lord's friends would apprise him of what he had to expect in future from his ally in name, but from his master in reality—the hon. and learned Member for Kilkenny. The noble Lord must not deceive himself by supposing that this Bill would be a final, healing, conciliatory measure, which would put an end to all turmoil and agitation in Ireland. Quite the contrary, it would only lead to fresh turmoil and to fresh agitation. Unless the noble Lord was prepared to surrender the entire Protestant Church in Ireland, with concession, agitation would be renewed, *toties quoties*, till all was gone. He had heard with extreme surprise another observation which fell from the noble Lord in the course of his speech the other evening. The noble Lord had said, that an Established Church was not intended for the propagation of a doctrine, but for the instruction of a people. Fine words these! But what, in the name of common sense, was their meaning? Was it not the duty of a Church Establishment to propagate a doctrine? If it was not, for what purpose was it instituted? Was it not to teach religion? And what did religion consist in? Did not religion teach doctrines? Or did it confine itself to the teaching of reading, writing, arithmetic, and, if you will, barren morality? He was at a loss to conceive what could have induced the noble Lord (the Secretary of State for the Home Department) to use such language. It was a timely, but true maxim, that in all things "honesty is the best policy." As soon as ever a man allowed himself to desert the high and given ground of principle, that moment he involved himself in inconsistencies, and absurdities, and mischief. The definition of the noble Lord was not the true definition of a Church Establishment, and was in point of principle as indefensible as his position, that the established religion of a state should be the religion of the majority of a people. Did his Lordship mean that it was the province and duty of the Protestant Established Church to teach the Roman Catholic religion to the people? What were the Protestants of Ireland told at the Union? They were told to amalgamate with the people of England—that their religion would then be secure, because it would be the religion of a majority of the empire. The language of the Act of Union was, that the United Church of England and Ireland, as established, should be maintained and preserved, and such maintenance and preservation were declared to be fundamental and essential parts of the Union. It was also true that the noble Lord said, that he was not prepared at present to carry out to their full extent in Ireland the principles which his favourite authors had avowed on these points; but he would recommend the noble Lord to be prepared in no very great length of time to carry them out to the utmost. The noble Lord had the pledge of the hon. and learned Member for Kilkenny, that those principles should be so carried out; and this time, at least, the hon. and learned Member would redeem his pledge, and not violate the faith he had plighted. He would remind the noble Lord and his colleagues in office, that the power which had put them in could also remove them from their present places, and that, if they did not perform the high behests which might issue from that power, they would not be permitted to occupy long the benches on which they were then seated. They might rely upon it, that the hon. and learned Member for Kilkenny would tell them that, if they did not do "justice to Ireland," their tenure of office would be short indeed. But would the hon. and learned Member for Kilkenny tell either his Majesty's Ministers, or the House in general, what he meant by "justice to Ireland?" He should like much to hear a definition of that phrase—he should like much to know what it meant. To-day it was—"Take only a little from the property of the Church of Ireland, establish for me the principle of appropriation, give me the place where I can set my foot and establish my machinery, and that is justice to Ireland."

that was the meaning of the phrase now; but what would it be on Thursday next?—Then it would be, " Do justice to Ireland—give us Municipal Corporations—let us have normal schools of peaceful agitation—all over Ireland, from Antrim to Kerry—from Galway to Dublin—yes, from Cork too—aye, and from Bandon also. He liked to hear those names—yes, from one end of the island to the other, along its whole length and its whole breadth, there would be normal schools of peaceful agitation, and if they would not give that, let them mark the consequence of refusing to do justice to Ireland. That would be the demand on Thursday next—what would it be the week afterwards? Then they would indeed have a great question before them; then they would have the conduct of the right rev. Prelates, and of the other Peers of Parliament, canvassed for refusing their assent to the proposed measures for reforming the Corporations, and for spoliating the Church. Then they would hear of the unconstitutional conduct of the other House of Parliament in presuming to differ from the most wise and potent Commons of England. Then they would be told, that unless they consented to correct the errors of that besotted body, and unless they set it right, by making an organic change in its construction, they would not be doing justice to Ireland. But what next? The learned Gentleman would say, " You wont demolish the hereditary branch of Legislature for us, why, then, you deny justice to Ireland, and I will agitate for a Repeal of the Union; that alone will do justice to Ireland." His hon. Friends near him suggested that there were other topics in which the hon. and learned Member for Kilkenny also felt great interest, and that each of these would suggest a different meaning for his celebrated watchword of " justice to Ireland." He defied any man living to say what was the ultimatum of " justice to Ireland," or what would satisfy the cravings of certain individuals whom he would not further name. What was the justice to Ireland which the noble Lord claimed now? The noble Lord said it was, that the surplus revenue of the Irish Church should be set apart for " the moral and religious instruction of the people of Ireland." Now, he wished to know whether it was intended to place this surplus of 50,000*l*., supposing it to be realised, in the hands of the Commissioners for Education in Ireland, or in the hands of some other body? If it went into the hands of those Commissioners, it would be employed in propagating a doctrine—it would be expended in teaching the Roman Catholic religion. He believed that many of the schools under the direction of that Board were even now publicly teaching the tenets of that religion. In one of them he had himself seen in the hands of children, during school hours, the Roman Catholic Catechism, and had asked, but in vain, for a copy of the Scripture extracts, which was ordered to be read there. There was not a single copy, either of those extracts or of the Scriptures, or any version of the Scriptures there. Now, he would ask this question—was it the business of the Protestant Establishment in Ireland to teach the Roman Catholic religion? Was that the noble Lord's notion of the duties of a Church Establishment? He had heard from the noble Secretary for Ireland, an observation which, though it did credit to his feelings, was neither a sound nor a statesmanlike doctrine. The noble Lord had said, that he would not employ the military force in the collection of tithe, if it were required to collect it at the risk of shedding blood. " That was a sacrifice which, great as it was," the noble Lord had said, " he should not deem too much for truth and religion, but infinitely too much for an Establishment; not too much for the spirit, but for the form of worship." Now, in commenting upon this observation, he must ask, first of all, why was a military force maintained in Ireland? Was it not to preserve the peace, protect the property, and enforce the law of the country? If the people, misled by agitators, would array themselves in bodies against the law, to the disturbance of peace and to the endangering of property, must not the civil force, in the first instance, and, if that be insufficient, the military force in the next, be of necessity employed against them? If the noble Lord would not employ the military force for the protection of the property which the Church had in tithe, how would he draw the line between that and any other species of property? Surely, the noble Lord, with his good sense and sound judgment, must perceive that he was bound to protect every kind of property, and that if he excluded any kind from it, he was holding out a premium to agitation and spoliation, and laying the axe to the root of all property and of all subordination. He had not heard the whole of the speech made last night by the hon. Member for Waterford; but he admired the frankness with which that hon. Member had expounded his views on this question in that part of it which he had the good fortune to hear. He entered the House whilst the hon. Member was laying down propositions which were quite incontrovertible, and which were intimately connected with the topic which he was now discussing. The hon. Member had said, that if property of one kind could be borne down by popular feeling and popular agitation, no other property would long be safe after it. He repeated that proposition over and over again; and that at last he came to the conclusion, of which no man could deny the justice, that the property of no man would be safe in Ireland, if the property of the Church were allowed to be borne down by popular clamour and popular agitation. If the noble Lord would not listen to his (Mr. Sergeant Jackson's) advice, let him at any rate attend to the warning voice of his Friend and supporter, the hon. Member for Waterford. Let him remember, that if he permitted the property of the Church to be spoliated, under the popular clamour and agitation which distracted Ireland, his hon. Friend, (the Member for Waterford), and every other Gentleman connected with Ireland, must bid farewell, a long farewell, to all their property in that country. For his own part, he had not the slightest doubt, that if the laws were fairly, firmly, and impartially administered, and not as now made instruments of coercion one day, and of favouritism the next, they would be willingly obeyed by the people of Ireland, for the people of Ireland, when they were not misled, were fond of, and obedient to the law, when it was fairly, firmly, and impartially administered. He could say, that from some experience of his own in Ireland, for he had himself, occasionally, filled a judicial office there, and could bear testimony to the satisfaction with which the people witnessed the equal administration of justice. He was sorry to say, that he could not approve of all that had fallen from the hon. Member for Waterford in his speech of last night. He had heard, with no less pain than surprise, the very uncalled for attack which the hon. Member had made upon the political conduct of the noble Lord, the Member for North Lancashire. The hon. Member for Waterford declared, that it was his opinion, that that noble Lord did not intend by his proposition to settle this question, but that his object was to undermine the present Ministry, to occupy their place, and to exalt himself upon their ruin. Had the noble Lord been present when the attack was made upon him, he certainly should not have attempted to vindicate the noble Lord from it; for he knew, and the House knew also, that the noble Lord was well able to vindicate himself without any extraneous aid; and he had no doubt that the noble Lord would soon either find or make an opportunity for replying to the attacks which had been made upon him from several quarters in the course of this debate. As the noble Lord, however, was not present when this taunt was directed against him, he hoped that the House would permit him to vindicate the noble Lord from it, and to say, that never was a charge more completely without foundation. Could the hon. Member for Waterford be ignorant of this fact—that the point, on which the noble Lord severed himself from the Cabinet of which he was a Member, and on which he abandoned power and place, was a principle which he would not surrender? Could he be ignorant that the cause of the noble Lord's resignation was his determination not to suffer the property of the Protestant Church of Ireland to be disappropriated to secular purposes? It was not fair, then, to attach to the noble Member for North Lancashire, a charge so discreditable to his honour and character, and so totally destitute of all foundation. For his own part, he thought that the noble Lord deserved the gratitude of the country for the arduous duty which he had imposed upon himself in framing his measure, and the able and masterly manner in which he had introduced it to the notice of the House. It contained all that was valuable, and avoided all that was vicious in the Bill of the noble Secretary for Ireland. He had originally intended to go through that Bill clause by clause; but he had trespassed too long upon the attention of the House already, to think of fulfilling his original intention. He had been prepared to show, by a comparison of the funds belonging to the Church of Ireland, and of the population of that country, that such a clergy as was necessary to supply the spiritual wants of such a population could not be more than moderately provided for out of those funds. He would, however, abstain from that comparison now, for he had received the kindest attention from the House, and would not trespass unnecessarily upon it. He should, therefore, content himself with adverting to what appeared to him to be the most important observations that had been made in the course of the debate. He objected not only to the appropriation clause, but also to some other arrangements which the noble Secretary for Ireland had made in this Bill. By the Bill of last year he proposed to extinguish 860 parishes. Now, though that provision was professedly abandoned in this Bill, yet the very same object was accomplished in it, by means, if possible, still more objectionable. This was accomplished by the 51st Clause, which, in conferring the power of dividing districts into benefices, and of altering the boundaries of parishes, conferred upon the Government the power of extinguishing in effect whatever parishes they chose. That clause was a covert, roundabout way of effecting that which the Government said that it had abandoned the intention of effecting, and was objectionable also upon other grounds; for it destroyed the landmarks, and obliterated the boundaries of the Protestant division of the country, which had at present prescription in their favour, whilst all the boundaries of Roman Catholic parishes would be preserved as before, thus enabling the priests to step easily into possession of the property of the Protestant Church, when its ruin was completed. The basis, too, of all this legislation was the returns received from the Commissioners of Public Instruction. Now, if time and opportunity permitted, he could prove (as he had said before), that those returns were not accurate enough to justify the House in legislating upon them. That was a grave charge to make; but he made it upon good grounds, and a serious weight of evidence. One of the two objects for which that Commission had been appointed, was, to ascertain what were the present means of giving education to the people of Ireland. Now, he had been connected with the Kildare-place Society. He had never been afraid or ashamed to avow it. He was proud to say, that he had been its secretary for twenty years; he was still one of its secretaries, and he was happy to think that he had, as one of the members of that society, been the means of accomplishing some good for his country. He was satisfied that great and permanent good had been effected by it for Ireland. It had educated respectable teachers, to the number of from 2,000 to 3,000. It had, on the day on which the Commissioners made their Report, 1,050 schools. Here he must return, on the part of the society, her grateful thanks to the liberal gentlemen of England who came forward, and generously contributed to the funds for the advancement of its objects in Ireland, at a time when the sunshine of Government approbation was withdrawn, and the grant of the public money no longer made. As he had just said, there were, belonging to this society in Ireland, no less than 1,050 schools. Would it be believed, that in the return of these Commissioners of Public Instruction, the number of schools under the Kildare-place Society was stated at only 235? There were three dioceses in which the Commissioners returned that the Kildare-place society had no schools;—it so happened, that in those three dioceses they had nearly 300 schools. He could prove, too, that out of that number of schools, returns were sent into the Commissioners by the managers in no less than 150 cases. He believed that they were sent in to the Commissioners in every case, but he was not in a situation to prove it with regard to 150 instances. He had been altogether astonished when he saw in the report of the Commissioners 235 given as the number of schools belonging to the society. The Committee, when they saw the Report, said there must have been some strange and unaccountable mistake somewhere; and in order that there might be none on their side, they sent inspectors into those three dioceses, viz., Down, Connor, and Dromore, in which they were returned as having no schools. Those inspectors visited each of the schools, and found every one of the schools in the same localities in which they had been represented by the Committee, to the number which he had stated. He was also in a situation to prove that the returns given by the same Commissioners respecting the comparative number of Protestants of the Church of England, Protestant Dissenters, and Roman Catholics in the different parishes of Ireland, were most inaccurate. He could state, that as soon as it was understood that all benefices were to be extinguished, which did not contain fifty Protestants of the Church of England, every method of intimidation was practised to drive the Protestants out of those parishes where the number slightly exceeded that amount. He would mention one instance. In the parish of Dromod, there were fifty-six Protestants at the time of the Report; it was returned to the Commissioners by the Protestant minister of the parish as containing that number, and yet it appeared in the printed Report of the Commissioners as containing forty-nine! just one under the required number to entitle it to a Protestant minister, under the noble Lord's Bill of last year. In another case, the parish of Desertseges, not far from Bandon, the number returned by the Commissioners was fifty, under the actual number of Protestants of the Established Church resident in the parish. He was enabled to state this from having seen the list of the names of the heads of all the families, and the number belonging to each, taken down by the excellent clergyman who was doing duty in that parish—a list not made for the purpose of checking the return of the Commissioners, but by that rev. gentleman, as minister, to enable him fully and effectually to discharge his pastoral duties to every member of his flock. He had received a letter, stating that there was a priest in the county of Cork, who said that he would take good care one way or another that there should not be found fifty Protestants in his parish. [*Loud cries of name, name, from the Ministerial benches.*] He would not name him. If the House would authorise an inquiry into the subject, he would undertake to prove the way in which the priest had made the threat, and also the way in which he had followed it up. He would not name the priest or the parish, but he had his information from a clergyman of the Church of England, on whose accuracy he could implicitly rely. Yes, he had been informed that the priest said that he would take care that there should not be fifty Protestants found in his parish. It appeared from the evidence of an individual who had been the victim of that threat, that he ordered every Catholic of his flock to turn away any and all of their servants who were Protestants, and who would not turn, as it was called. Several were accordingly discharged, and left the parish. There were four Protestant children who had been sent to the parish from a charitable institution in Cork, to serve as servants in families there. To reduce the number of Protestants the order was issued, and these four children were turned out of the families in which they had been placed. One of them was found by a dignitary of the Church, the informant, on whose accuracy he most implicitly relied. That child found an asylum in the House of Industry at Cork, and whilst in that asylum was examined by the dignitary to whom he had already alluded, and by the superintendent of that institution. The child said, that the priest had given the order to his flock, and she had been in consequence turned out, because she would not conform to the Roman Catholic religion. There was another case to which he would refer, and he was, in this instance, at liberty to mention names for the satisfaction of hon. Gentlemen opposite. Mr. Hudson, of Spring Farm, in the county of Wicklow, had been requested by the Roman Catholic clergyman of the parish in which he resided to make a return of all the Protestants and Catholics he employed, and he gave a return of fifty-six Protestants in his house and employment, and ten Roman Catholics. He received a letter from the Roman Catholic clergyman thanking him for the return; but when the Commissioner appeared, in the month of December, a list was handed to him by the Roman Catholic clergyman of only thirteen out of the fifty-six Protestants. He asked again, was it fair, was it safe, to act upon such returns? And yet they had been made the very foundation of this Bill, were recited in its preamble, and would form the only data to guide the Committee of the Privy Council, in their dealings with the population and localities of the different parishes in Ireland. The noble Secretary of State for the Home Department, without affecting to answer the able statements made by the noble Lord (Stanley) in introducing the present debate, had thought it expedient, for the purpose of withdrawing the attention of the House from the real question before them, to refer to a variety of topics altogether extraneous and foreign to the occasion, and among others, to the improvements, as he called them, which had been effected by the right hon. the Attorney-General for Ireland, in the administration of the law in that part of the country. The noble Lord laid peculiar stress on the advantage which had been found to result from the discontinuance of the practice which hitherto prevailed of setting aside or challenging juries on the part of the Crown. That was a matter of the greatest importance; but in his opinion the alteration introduced by the right hon. and learned Gentleman, was by no means calculated to produce the happy results which had been ascribed to it. He had received several communications on the subject, particularly from the Queen's County; and he could state to the House, that the impression among professional men there was, and he fully concurred in the opinion, that it tended materially to frustrate the administration of justice. Substantially, it gave the accused party the nomination of the jury; and the danger of such a provision, in the present unfortunate state of things in Ireland, must at once be manifest to every one. He would just give the following instance as a proof of what he had stated. In the Queen's County a man named Carter, a tenant of Lord Maryborough, was murdered at noon day, for enclosing a piece of land which belonged to him, and for which he paid rent. Three persons were tried at the summer assizes at Maryborough in 1835. No verdict was found. The case was tried again in the spring assizes of 1836. What was the result of the "improvement" to which he had referred? Why, as the Crown had given up its former right of challenge while the prisoner retained it in full force, there was actually suffered to remain on that jury, an individual who had himself been tried for a riot at which a homicide was committed, had been convicted and sentenced to twelve months' imprisonment, which he had suffered. It might well be conjectured under such circumstances, what followed. Even supposing the other eleven had been inclined to bring in the prisoner guilty, it could not be expected that this man would have assented to such a verdict, and the jury could not agree. They were carted to the bounds of the county and discharged. It was well known to the right hon. and learned Gentleman, the Attorney-General for Ireland, that cases must occur frequently in the present condition of Ireland, in which it was desirable to set aside men from serving on juries, even though there might be no moral stain upon their characters. It was obvious, for instance, that timid men and men living in thatched houses, exposed to popular indignation, ought not to be put to the danger and hazard which they might incur in exercising their duty, by convicting a criminal. He heard similar complaints of like results from Longford and other places. He had also heard great complaints made of the solicitors who had been appointed on the part of the Crown to conduct prosecutions at the different quarter sessions in Ireland; but as that was a part which, although first alluded to by the noble Secretary of State for the Home Department, was altogether foreign to the subject under discussion, he would not, having already trespassed so long on the indulgence of the House, more particularly refer to it. He should be sorry if in the course of his speech he had said anything calculated to wound the feelings of any hon. Gentleman in the House. But he felt that he had a solemn duty to discharge, and one from which he would not shrink. He would endeavour to the best of his humble ability to place the Protestant Church of Ireland upon its true footing. He would only refer, in conclusion, to the Act of 1829. He was not going to make any remarks as to the obligation of the oath which Roman Catholics were then to take in order to obtain a seat in the House. He would only say, that in his opinion, if it had been proposed to make the oath more stringent, it would have been acceded to by Roman Catholics, [*No.*] Notwithstanding what had fallen from the hon. Gentleman, he believed he had stated nothing but the truth; and he could state that a Peer of the Roman Catholic persuasion had said that, as a man of honour, putting the oath out of the question, he could not prevail upon himself to enter into any legislation affecting the property of the Established Church. That was noble—that was generous—that was honorable in the highest degree; and he (Mr. Jackson) did put it with all sincerity and tenderness to his Roman Catholic fellow-countrymen—his Roman Catholic friends (for many of that faith, and he was proud to say it, were his friends)—if, having been admitted into the Protestant legislature of this empire, on the confidence that they would not enter into any measure affecting the property of the Established Church of England and Ireland, they could reconcile it to their feeling as Gentlemen and men of honour, to vote away any portion of that Protestant property which they have sworn to maintain. The hon. and learned Sergeant concluded by expressing his intention of voting for the Bill of the noble Lord, the Member for Lancashire.

Mr. *Ward* had no intention to follow the hon. and learned Gentleman through a variety of details, many of which would be explained and others contradicted by hon. Gentlemen who would follow him, but perhaps the House would permit him to apply himself for a short time to the principles by which alone its decision ought to be guided. He had listened to the speech of the noble Lord, the Member for Lancashire, with great attention, in the hope of discovering some alteration in the spirit of his legislation for Ireland. He found the noble Lord, however, at the very point at which he started in the year 1830, utterly regardless of the mighty changes which had been going on around him, and standing as a solitary landmark to show how far public opinion had shot beyond him. The noble Lord accused hon. Gentlemen on the Ministerial side of the House with a bigoted adherence to an abstract principle. But at all events that abstract principle had never been tried. They might entertain hopes of its healing effects, but they had never tested them. The noble Lord had forgotten that he was a no less obstinate and bigoted adherent to an opposite abstract principle which had been tried and proved to be fraught with the worst consequences, not merely to Ireland, but to the welfare and religious institutions of the empire at large. Experience had shown that the Established Church in Ireland could not be maintained to its present extent, or on its present footing, without so violent an outrage being done to the feelings of the Catholics, as to render it impossible that it could ever be productive of any good effects. What said the noble Lord opposite? That the Protestant Establishment should be maintained in its full integrity, that from the tithe fund in Ireland not one farthing should be deducted for the benefit of the Catholic population, but that it should be distributed, in its locality, among the ministers of the Establishment; and that as to the Roman Catholics, in so far as they might have placed any reliance on the justice of the noble Lord, or any confidence in his influence with the Legislature—which, thank God, was not now what it had been many years ago—they had nothing to look forward to but a perpetual submission to that yoke which the noble Lord opposite had endeavoured, and unsuccessfully endeavoured, to force upon them. The right hon. Baronet, the Member for Cumberland, repudiated (he thanked him for the word)—repudiated the principle to which the House was pledged: and the noble Lord, to induce the House to accede to his plan entered into a variety of details. Some of those details were good undoubtedly; but it was singular enough that they formed the only points on which the noble Lord coincided with his Majesty's Government. On the reduction of salaries and the abolition of pluralities there was no difference of opinion between the noble Lord and his Majesty's Ministers. But here all similarity ceased. The noble Lord, the Member for Lancashire, strove to show, that by a different distribution of the tithe fund in Ireland, it was possible so to parcel it out among the different ministers of the Church Establishment, as to prevent the existence of any surplus at all; and in the event of any surplus arising after all, the noble Lord proposed that sooner than the Catholics should derive any benefit from it, it should be applied to the building of churches and glebe-houses, until the ramifications of the Established religion extended to the remotest corner of Ireland. Certainly it was hardly possible to conceive the existence of a surplus which might not be swallowed up by such demands as these. But he would ask the House whether this, after all, was not an attempt to perpetuate a system which for 300 years had been productive of the worst results, which had cost England 1,000,000*l.* annually for her standing army, 200,000*l.* for police, 1,000,000*l.* sterling for glebe-houses and churches since the Union, and 1,500,000*l.* for Protestant education, which might fairly be considered as a branch of the Establishment. He would put it to the noble Lord as a reasonable man, and a Christian, whether he could look without shame and concern to the results of this system, as now testified in Ireland? He would ask him, whether there was to be found in the whole civilized world such another instance as Ireland presented of the maintenance of what he was pleased to term a national

Church in that country? He would ask him, whether, in any other country on the face of the earth, the clergy of the national Church were compelled to wring their legal dues from the people, by the revival of an obsolete process in the Court of Exchequer, by tithe suits, by the help of the army, and the assistance of the police, and by the actual effusion of human blood. There were 7,000,000 of Catholics in Ireland, and only 750,000 Episcopalians; for of the 850,000 Protestants at least 100,000 are Wesleyan Methodists, who defray the expense of erecting and maintaining their places of worship, and who pay their own ministers. He would ask whether the people of England were not now paying for the way in which they had treated Ireland since the days of Elizabeth? They had exerted themselves to impose a large Protestant Establishment on the Irish nation, without taking a single step to prepare the minds of the people to receive the Protestant religion. They had not attempted to promote that great moral change in the people which took place in this country at the time of the Reformation; and therefore all their attempts to spread the Protestant religion there had been unsuccessful. The hon. and learned Member for Bandon had called the Established Church the bond of union between England and Ireland, but he would say that it rather was the cause that the union had never been effectual; it continually prevented tranquillity in the country. It had prevented Protestantism from attaining due ascendancy in Ireland, and had prevented that religion from effecting the practical good which otherwise would have resulted from it. It might be inferred from the amendment of the noble Lord that they were not to take into consideration that there were any Catholics in Ireland, but were merely to look to the number of acres and Protestants. His noble Friend (Lord John Russell) very happily said last night that the noble Lord seemed to think that the Irish Church should look to the cure of acres not to the cure of souls. He agreed in the propriety of this observation, and would add that the noble Lord and those who acted with him rather looked to the number of acres and Protestants than to the interests and moral and religious instruction of the great body of the people. He did not mean to say, that they should not give liberal incomes to such Protestant clergy as were wanted, but he protested against the unnecessary number of them, and the enormous stipends some of them received. He cordially concurred in the opinion that every Protestant clergyman should have the education of a gentleman, and should have an ample allowance to live like a gentleman. When, however, hon. Gentlemen dwelt so strongly on this point, he would beg them to recollect the small allowance made to the Protestant ministers in the north of Ireland. There was allowed by Parliament the sum of 15,000*l.* a year to be distributed amongthe Dissenting clergy of the north of Ireland. This body of persons was divided into three classes. The first class had 150*l.* a year each; the second,75*l.*; and the third, 50*l.*; and no pluralities were allowed. This, of course, was in addition to the stipend they received from their respective flocks. The whole of the income of a clergyman of the first class, according to Mr. Pope, the Moderator of the Synod of Ulster (including the *Regium Donum*) seldom or never exceeded 300*l.*, and most of this class resided in the large towns; and the income of the second class seldom exceeded 150*l.* a year. Was the noble Lord prepared to say, that he would have Ireland mapped out into districts in his wish to have what he called a new Ecclesiastical arrangement? Were there no Catholics on those acres, which the noble Lord and the right hon. Baronet had so carefully distributed. The noble Lord seemed to think that the feelings and interests of the Catholics ought not to be taken into consideration on this subject. He rejoiced in the extreme that such was not the opinion of that House. The Catholics of Ireland were 7,000,000 of people who could not be subjected to a military despotism like the inhabitants of Poland; they possessed the elective franchise, which they would use in a way to prevent their being oppressed. This point was one that it would be an act of absurdity to exclude from the consideration of this question. Hon. Gentlemen seemed to forget altogether the relative proportion of Protestants to Catholics in the different parts of Ireland. In the province of Armagh, to every ten Protestants there were seventeen Catholics; in the province of Dublin, to every ten Protestants there were fifty-eight Catholics; in the province of Cashel, to every ten Protestants there were 188 Catholics; and in the province of Tuam, to every ten

Protestants, there were 259 Catholics. Throughout the whole of Ireland, for the 7,000,000 Catholics, there were 850,000 Protestants, including 100,000 Wesleyan Methodists who pay their own clergy. If the Church property in Ireland was distributed as in other parts of the world, there would be a sufficiency for the religious instruction of all classes of the community. The principle which ran through the whole of the measure introduced by his noble Friend, was conciliation to the Catholic population of Ireland, and this was attempted to be effected by a very small concession indeed. The noble Lord, the Member for North Lancashire, said, that the 50,000*l.* for the moral and religious instruction of all classes might be drawn from any other source, as well as from the revenues of the Irish Church. There was no Member on the Ministerial side of the House (not even the hon. and learned Member for Kilkenny, or the honourable Member for Middlesex) who would object to vote a sum of money from any fund, for the purpose of the general education of the people, if it was not to be procured from another source. He had never known his hon. Friend, the Member for Middlesex, with all his love for economy, refuse a vote of money, when he believed that the interests of the great body of the people would be served by it. But, he would ask, whether the money to be devoted to the purposes of education, if taken from any other source, would be attended with the same healing effect as it would be if drawn from the quarter now proposed? He replied — certainly not; because the great object was to show the people of Ireland, that provision was made for the general education of all classes, out of the exorbitant revenues of the Church. As for supposing that any bill on this subject could be a final measure, he begged to observe, that he would not be guilty of the hypocrisy of saying so. He did not believe that it would be so. He did not believe that it was possible that, with respect to a country situated like Ireland, that that House, or any Legislature, could adopt what could be considered a final measure. He should feel, that he was attempting to deceive himself and others, if he asserted that he supposed this to be the case. He contended that the Church Establishment, as reduced by the Church Temporalities Act, was much too large for the spiritual wants of the Protestants of Ireland. He was satisfied that one Archbishop and five Bishops would be amply sufficient to supply all the spiritual wants of the Irish Church, and thus a reduction might be made in the payment of the hierarchy from 150,000*l.* to 300,000*l.* He did not see why the House should not proceed on the same principle as the noble Lord, the Member for Lancashire, when he brought in the Church Temporalities Bill. The noble Lord, when he introduced that Bill, said, that twenty-two Bishops and four Archbishops was too large an ecclesiastical establishment for the spiritual wants of the Protestants of Ireland, and he, therefore, proposed to reduce it to two Archbishops and ten Bishops, which he said he considered would be amply sufficient. Now he was of opinion that one Archbishop and four Bishops would be found fully adequate to all purposes that were required. Were hon. Gentlemen aware that in one diocese in England, namely Chester, there were 1,500,000 members of the Establishment? Now in Ireland there were only 750,000 episcopal Protestants, and if one Bishop was found sufficient to superintend the spiritual wants of 1,500,000 in this country, surely two Archbishops and ten Bishops were too many for 750,000 persons. Again, look to the Church of Scotland as to the model of what a Church Establishment should be. There the clergy faithfully discharged their duty, and yet were satisfied with a small income. In that country there were 1,600,000 Protestant members of the Establishment, and the income of the Church was about 200,000*l.* a-year. In Ireland there were about 750,000 members of the Established Church. The expense of the Establishment at the present time was about 800,000*l.* a-year, and after all the proposed reductions were made, there would remain to it 500,000*l.* a-year. He found that the average expense in Scotland for the pay of the clergy was 3*s.* 4*d.* for each member of the Establishment, while in Ireland the average annual expense for each member of the Church was 1*l.* 1*s.* This, then, was the average that the noble Lord, the Member for Lancashire, would not alter, because he would devote the present revenue to the Establishment, and he was unable to increase the number of Protestants in Ireland. For his part he saw no reason why the same principle should not be acted upon in Ireland as in

Scotland, and if a parallel was drawn between the clergy of the two countries, he had no doubt as to the side on which the balance of advantage would be found. The truth was, that the great body of the Irish people had been as much excluded from that religious instruction which the Church was founded for the purpose of imparting to the people, as the slave population of South Carolina, or any other slave state of America, were from the advantages of general education. The object, then, which the Government had in view, was to devote the surplus revenue of the Church to the moral and religious instruction of the great body of the Irish people, and thus make the Establishment really useful to the bulk of the community. Some observations had been made as to the schools being seminaries for teaching the Catholic religion. He held, that any system of proselytism in connexion with these schools, was an infraction of the very principle on which they were founded. He did not know whether his hon. Friend, the Member for Weymouth, was in his place, but he could not help observing that he could not find words to express the admiration he felt at the speech made by his hon. Friend. The language he then used was that of an honest and conscientious man and a sincere Christian, and reflected the greatest credit on him. He agreed with his hon. Friend, that if there should appear to be any thing like proselytism in the system, steps should instantly be taken to put a stop to it. Many assertions had been made as to this being the case; but, on investigation, they had turned out to be groundless. He would, however, ask his hon. Friend whether his attention had ever been called to the different Reports on the system which had been published by the Commissioners? If he looked into them, he would find that the principle of neutrality was most strictly acted upon by the Commissioners. They had used every exertion to promote neutrality, and if any case occurred in which a complaint was made on this point, it was instantly attended to. The truth was, that the system hitherto was imperfect in its operation, and many of the complaints had arisen from the circumstance that the Commissioners had not the means of carrying out the system. There were some observations on the subject in a pamphlet lately written by the rev. J. Carlisle, a respectable Presbyterian minister, and one of the Commissioners, which were well deserving attention. Mr. Carlisle said,

> "That many of the accusations which have been made against the system, arise from the prejudice created against it by the members of the Established Church, seventeen out of twenty-two Bishops having pronounced against it when it was first introduced under the auspices of the noble Lord, the Member for North Lancashire. The Orange body, too, taking up the subject hastily, unequivocally reprobated the system, calling it a mutilation of the Word of God. This declaration affected the opinions of the Dissenting ministers, and has also given rise to many of the complaints which are urged against it."

In a pamphlet published by Mr. Frank Sadlier, also one of the Commissioners, the principle of neutrality was also maintained. He asked whether it was likely that the Protestant children, by being taught the principles of general morality, would be prevented from imbibing the principles of the Protestant religion; at the same time he observed, "that this was more likely to be done if the clergy set themselves in opposition to the rules of the Commissioners, and from an apprehension that the Protestants will be prevented by association with the Catholics, will neither teach themselves, nor permit the Board of Education to do it for them." With regard to the education given to the Roman Catholics, he said:—

> "I fearlessly appeal to an inspection of the school-books; and I ask whether boys instructed out of them will not receive a good moral education—that nine-tenths of the children would not have received education any where if not in these schools, and would have become miserably mischievous, and ready for the commission of crime?"

Speaking of the general result of the system, he said:—

> "It may naturally be asked what have the Commissioners of National Education done? Our answer must be gratifying to every friend of Ireland. The Board has been less than four years in existence; the first was employed in preparation, and yet more than 1,300 school-houses have been established, and more than 200,000 children of the poor have been educated. Therefore, in this respect, they have done more in three years than the Kildare-place Society in nineteen years!

This testimony was satisfactory, as far as it went, but he had evidence derived from a still higher quarter—from the publication of a member of the Church of England,—the reverend Mr. E. Stanley, who, having inspected the schools, and ascertained the progress made under the Government system, confirmed every one of the statements made by the Commissioners. He said—

> "The result of the system is highly favourable; a new light has been thrown upon the Irish character. Ignorant, I know the people were—bigoted they might be—but I have ever found them accessible by kindness and sympathy."

The system, then, had succeeded to a certain extent. Speaking of the wilder parts of the country, he said, "I asked them, what will good education do for you, what makes you so desirous for the establishment of schools," and was answered, "It will put us in the way of reading the Word of God, it will teach us how to behave ourselves; what is a man or a woman without it?—they are like blind men and women walking through the wilderness." The hon. Member for Newark had adverted to the danger arising from placing the Protestant schools under the control of Catholics; he said, that some of them were under the superintendence of the Catholic nunneries; and one of these in the county of Galway certainly was visited by Mr. Stanley, who says,—

> "The girls' school is under Catholic management, but, with this exception, it is faultless; the children are clean and orderly, and the books used are some of the late publications of the Board, and those who know the benevolence and zeal of the persons by whom the children are in this way educated, can only regret when they see Protestants who are not equally devoted to God's service and the best interests of their fellow-subjects."

He then referred to the Christian spirit manifested by the Catholics in desiring to meet the Protestants with liberality on some doctrinal points; and he said—

> "Let the Protestant take a leaf out of the Catholic book and say 'amen;' let both parties bind such sentiments for a sign upon their hands, and as frontlets between their eyes; let them write them on the posts of their houses and on their gates, that the people of Ireland may dwell together, in future, as brethren in peaceful habitations."

These quotations were quite decisive as to the effect of the system of education approved by the Government in Ireland; and he apprehended no danger to the Protestant religion from it. Paley had been spoken of, but he said that a religious establishment should be that of the majority of a country; indeed he stated distinctly, that when the religion of the majority changed, the Established Church must change with it. The hon. Member for Oxford (Mr. Maclean) said last night, and he believed it had been said before, that there was only one source from which truth could flow, the Bible; but he must not forget that from that source the most opposite conclusions had been drawn by men whose names were an honour to religion—Fenelon and Bossuet were men of high integrity, who discharged the duties of the Christian ministry in an exemplary manner, but their ideas of truth differed in many respects from ours. The duty of the Legislature was to provide religious instruction for the people. He considered that the claim of the Church to legislative protection, was put upon its proper footing by the Archbishop of Dublin, in his last charge, when he said, "it should be set forth as a claim on behalf of the people, rather than as one on behalf of the ministry." He would not enter further, however, into the discussion, but only say, that no other religion could be adopted for an established religion than that which is the religion of the majority of the people; for any other must be supported by penal laws, and might as well be forced upon the natives of Hindostan as upon the Irish, if it were to be supported by funds derived from a people who would not receive it. He rejoiced to see, that many of the objections to a measure of this sort, which had been formerly advanced by hon. Members on the opposite side, were now entirely abandoned; but he could not but be a little surprised at the speech of the hon. Member for Nottinghamshire, who said that the Bill had been produced at the instigation of the hon. and learned Member for Kilkenny. But the hon. Member for Nottinghamshire had conferred upon the Established Church the name of the monster church. In a speech delivered by the hon. Member in 1832, he said, "there is not in Europe such a monster as the Protestant Church." The conversion of the hon. Member, therefore, was not only recent, but extraordinary. He worked out the whole principle, for he maintained that the ministers of the national religion were, in justice, as much entitled to have a provision made for them as the Protestant clergy; he understanding, by the "national religion" that of the majority of the people, which alone could constitute it national. Now that was the appropriation clause with a vengeance; and how the hon. Member, who advocated such doctrines as those, in 1832, could come forward now and oppose the Government —when, with a singular moderation, they merely proposed to apply a small portion of the revenues of the Established Church to the purposes of general education; and accompanied his opposition with the observation that the Bill must have been framed at the suggesstion of the "arch enemy of mankind,"—he was at a loss to imagine. How could the hon. Member reconcile those declarations with his opposition to the simple and moderate proposition of his Majesty's Government, to apply to national purposes that part of the Church property only which might fairly be considered superfluous, after providing for the spiritual wants of the Church. The noble Lord, the Member for North Lancashire, had brought forward another grand objection to this Bill; he said there was great danger in placing so much discretionary power in the hands of the Ecclesiastical Commissioners. There might be some force in this objection, and he was inclined to entertain it, to a certain extent; but really it was one which came with singularly bad effect from a party on that side of the House, which was willing to invest, not merely a discretionary power, but the whole municipal powers and privileges of Ireland in the hands of an individual. But what necessity was there for investing this power in the hands of any authority where the popular control could be fairly and effectively exercised? There was another objection stated by the right hon. Baronet; he said, that the compositions must be re-opened. They were only to be re-opened in certain cases; and the question, therefore, was—whether, because injustice might have been once committed, they ought to perpetuate it? Then, again, it had been objected that all the concessions which had been made for the relief of Ireland, had been made in vain. But did they consider the immense debt which was due to Ireland, and the unjust effects of the bad policy which had been pursued towards her? Would the House be satisfied with the concessions already made, and refuse anything further? It was just as vain to think of withholding from the people what they felt themselves justified in seeking for, and entitled to receive, as it would be to think of retracting the concessions already made. The right hon. Baronet put an interpretation on the words "justice to Ireland," on which the people of Ireland would differ with him; because he said it should mean only the claims of the Protestant Church. The whole system of Irish policy, from first to last, had been such that, until now, some hon. Members had not known what the wants of Ireland were. There was an objection, which had been urged with singular perseverance, to the principle of appropriation—namely, that it constituted a bond of political union for its support amongst the prevailing political party in the House which seemed rather a strange sort of objection, considering that it was professedly the opposition to that principle which constituted a bond of political union amongst the other party in the House. He would ask what great measure had ever been discussed in the House which had not been made the bond of political union of its supporters or opponents? Every question must carry with it that consequence. Were not the questions of Catholic Emancipation, the repeal of the Test Act, and the Reform Bill, all of them bonds of a Political Union for some political party, at one time or another, as well that which resisted as that which supported them? The bond of union between the noble Lord, the Member for Lancashire, and the Irish Members, with whom on every other question he was at issue, was the Reform Bill; but he never saw any inconsistency in securing their support at that time. What bond of union was there, at this moment, between the noble Lord (Lord Stanley) and the right hon. Baronet (Sir Robert Peel) but resistance to this principle? And yet he objected to others being united with the Ministry on this Bill! Was the anomaly greater than the union on that side of the House? He would wish to call to the noble Lord's recollection two events. In 1834, the noble Lord, who was then a Minister of the Crown, with a large majority on his side, knew that there were divisions in the Cabinet on this very subject, but they were not made known to the public. The 147th Clause of the Church Temporalities Act had been discussed, but it had not broken up the Cabinet. The noble Lord did not think proper to combat with the shadow, however ready he might have shown himself since to combat with the substance. A quarrel ensued between himself and his colleagues. What followed? As an individual Member, unknown and unassisted, he (Mr. Ward) took up the question, confident of the justice of the case; and what was the result? On the very first night fixed for the discussion, the noble Lord and his Friends conscientiously resigned their seats in the Cabinet. No doubt every Member, who was in the House at that time, would recollect that the noble Lord, after leaving the Treasury benches in the adjourned debate, made a solemn appeal to the House, in terms which made a deep impression upon it; and in that address he stated the principle which induced him to take that course. He said—

> "Now, I tell the House, boldly and distinctly, that the people of England are not ripe for that; and when I say that the people of England are not ripe for that, let me call upon you to pause before you assent to a resolution which you cannot, which you ought not, which the people of England will not let you, carry into effect. I did not think that I should ever live to hear a Minister of the Crown propose such a resolution—I do not think, that I yet see the Legislature that will pass it—and I am not certain that I know the Sovereign who will assent to it."*

That solemn appeal was made to the sense of the country, on one of the most important principles which ever engaged their attention. What was the result? How were those anticipations answered? The House did assent to the principle—the Sovereign did assent to it—and the people did ratify it by their full and unequivocal approbation. The noble Lord, in 1835, in his speech on the Address to the Throne, when he voted for the motion of the right hon. Baronet, said—

> "I speak, not only my own sentiments, but the sentiments of a body of gentlemen, not insignificant either in rank or standing, or unimportant in point of numbers, in this House."†

What had become of them? They had melted away before their very principal; they had not stood by the noble Lord in his objections; one by one they had shrunk from him;—and, with the exception of the right hon. Baronet, and one or two other supporters, his party had almost disappeared. That was the effect of the first appeal. What was the second? It was an appeal made by the right hon. Baronet, the Member for Tamworth. Every one must recollect the circumstances under which he came into power. He was absent from England, and he was recalled by his Sovereign to take the highest station. He returned to this country;—the eyes of the world even were directed towards him. When he returned to England, his declaration of principles was anxiously looked for, and he published the Tamworth manifesto. It was the first test by which the public could judge of the rules he had laid down for his future government. When that declaration was published, so much was conceded in the way of a rational course of reform, that he said, "if that be the policy of the Conservatives there is little difference henceforth amongst us as political parties," the difference is only in detail, and not in principle, and we shall henceforward be more united. But the right hon. Baronet declared that he never could consent to the alienation of Church property; and it was upon that point that a dissolution of Parliament took place. It was upon the Church question that the whole of the elections turned; it was mooted at every hustings—upon it the present Ministry took their stand—and upon it the right hon. Baronet went out of office, after a struggle, sustained with ability, which excited general admiration. It left him seated on the opposite benches, and power in the hands of those who advocated this very principle. That was the second appeal to the people. And the vote which the House returned upon the appropriation clause was the solemn and irrevocable answer to the appeal which the Sovereign had made to the sense of his people. The right hon. Baronet had tried to frighten the House from its propriety, by exciting fears of a revolution. He had warned it of the danger of a collision. He referred to the words of an hon. and gallant Officer on the other side of the House, about the party on this side having selected a Joshua, who rushed on where the Moses of the other side would fear to tread. But a revolution would never proceed from the popular party, or from its leaders. The Reform Bill gave them the means of obtaining, in a constitutional manner, whatever justice demanded. There was no occasion for violence. No, if a revolution were to come, it would come from another quarter. It would come from those who were infatuated enough to believe that the people of England, armed by the Reform Bill, that new charter of their rights, would seek the settlement of their political affairs, through any other medium than that of the Government, and would wish to be governed upon principles to which the great majority of them were opposed. As to the words which the hon. Baronet had quoted, were they applicable to all parties—to those who opposed this Bill, as well as to those who supported it? Had not the Conservatives made choice of a Joshua, who had rushed in where Moses feared to tread? Had not the organs of the Conservative party pointed out the adjuncts which a Conservative leader ought to possess? Were they not told, the other day, in a Conservative publication, that the Conservative leader ought to be a man not encumbered with property or a stake in the country;—that he should have a sovereign contempt for all parties, having tried all, and been faithful to none? It might, no doubt, be very natural for a leader so situated, to exert his talents in keeping the sources of discontent and agitation in full operation. It was from such politicians that he should anticipate the most disastrous consequences. He did not court a collision; he wished for peace; but, though he wished for peace, he would not pay for peace the price which was required for it by the party in Opposition. To obtain peace he would not sacrifice principle, nor the rights and happiness of 7,000,000 of his countrymen. He would not in this or in any other instance, consent to purchase peace, however desirable, by any ignominious concessions. He could have no doubt as to the course which he ought to pursue, and he should give his cordial support to the Bill of the Ministers. The division this evening was to be taken under the same circumstances as the division of last year; and the same feeling, therefore, which induced the House then to reject the proposition of the right hon. Baronet, should prevail with it now to repudiate that of the noble Lord, the Member for North Lancashire. They were called to vote upon a subject on which they were already pledged, and had repeatedly divided. He never would believe that, on a point where the interests of Ireland were at stake, the House of Commons would shrink from those pledges which it had given, to ensure justice to Ireland.

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* Hansard (Third Series) vol. xxiv. p. 38.

† Ibid. vol. xxvi. p. 257.

Mr. *Daniel Whittle Harvey* said, that he was by no means prepared to participate in either of the proposals before the House, and if he could have suffered his own inclinations to be the interpreters of his duty, he should have most willingly abstained from taking part in this discussion; but, as the representative of a large constituency, he felt it due to them, he felt it due to himself, as well as to that portion of his fellow-citizens who took an interest in the conduct of the representatives of the people, to state briefly, but distinctly, his sentiments upon the measures now brought before the House. The House had before them, in fact, two distinct Bills; because, although the Bill of the noble Lord opposite, the Ministerial Bill, was the only one on the Table of the House, yet the noble Lord near him (Lord Stanley), in bringing forward his motion, had so amply unfolded his views, that every sentence of his address might be deemed a provision and an enactment. The House had, therefore, before them two rival Bills, brought forward by two rival parties, and it was for the House to decide upon the respective merits of those rival Bills; and he trusted, that before they came to a conclusion, the fullest and most detailed statements on each side would be given, and go forth to the country, in order that the whole nation might be put in possession of the merits or demerits of the respective measures, in accordance with the clear statement of both the noble Lords of their desire to appeal to the country, as to the relative importance and merits of their several Bills. It was quite fitting and necessary that the public, to whom this appeal was thus made, should clearly understand the character and scope of both measures. As to himself, he could not but feel greatly surprised that such difference had been made where there was so little distinction. Both parties had set out by admitting, and deprecated any suggestion at variance with the declaration, that they were sincere and eager champions of the Protestant Church, and that they proposed their respective measures with every desire to enlarge the boundaries of its importance by removing all those sources of corruption which were too manifest to be denied. It was, therefore, for the country to consider which of these measures was best calculated to work out the object so congenial to the wishes of both noble Lords. He should, in a very few words, dismiss the proposition of the noble Member for North Lancashire, because, although he differed from him, as well as from the Ministry, upon this subject, this much he would fairly say, that if he were an advocate of the Establishment, if he sincerely believed in its importance, its essentiality, its Christian obligation, as binding upon civil institutions, he should not pause one moment in selecting the Bill which was proposed by the noble Member for North Lancashire. [*Cheering from both sides of the House.*] He was well aware how ironical were the cheers with which he was honoured by hon. Gentlemen opposite; but in considering the measures before them, and the course which he thought it his duty to pursue, he should not shrink from repeating opinions which he had ever avowed, in and out of the House. He was not one of those individuals who took up opinions one day, and dropped them the next; he was not apprehensive lest some hon. Gentleman should go into the library, and rake up passages from any speech he had made, for the purpose of confuting his speech of one day by his own declarations on some former day. He had never concealed his sincere conviction, that Christianity was a spiritual principle, which not only had nothing to do with civil institutions, but that the whole alliance of Church and State was opposed to its profession, impeded its efficiency, and impaired its power. That his view of this subject was the correct one, was proved by the evidence of all history. Believing this to be the doctrine of that simple and substantial system of religion which breathed through the whole nature of Christian economy, he had always declared it to be his firm conviction that the unhallowed connexion which subsisted not only in England, but in all Christian countries with one single exception, between Church and State, was most injurious to the Church as well as to the State. But they were not now discussing that point. The hon. Member for St. Alban's had told them in terms not to be discredited, that he did not regard this as a final measure. Now, he should like to know if that hon. Gentleman was to be considered as the organ of the Government in making that declaration, for, if so, it was directly at variance with the preamble of the Bill. This measure had been propounded to the House with the expressed view of its being just and necessary for the establishing of peace and good order in Ireland. A greater object than that it was impossible for great minds to be ambitious of entertaining. There was no purpose to which a statesman could direct his intellect more deserving of his attention, more likely to secure to him a permanent renown, to obtain for him the respect of living men, and perpetuate his name for ages to come, than such a purpose as that. In fact, there was no sacrifice too great to secure this advantage; but would this Bill secure it? He thought he should be able to show, not only that it was not calculated to produce that result, but that if there was any sincerity, which he did not doubt, in the minds of those most prominent amongst the present supporters of the Bill, it was utterly impossible they could expect any such result to flow from it. Nothing was more remote from his intention or disposition to introduce a question of controversy on matters of spiritual faith; but he could not avoid saying, that as the Catholic religion was a religion ancient in history, the doctrines of which, however erroneous they might now be deemed, had been, from the commencement to the present day (and it was the boast of those who professed them) invariably the same—it was, he contended, utterly impossible, considering these points, to suppose that the Catholics could be satisfied with a measure which had for its avowed object the perpetuation of the Protestant. This measure had been propounded by Government as a measure which they said was likely, and was intended, to tranquillize Ireland, and he, as a Member of that House, had a right to investigate the accuracy of that pretension; and should he in doing so, find it likely to lead to that result, then he should say, there was no sacrifice he would not be prepared to make to accomplish that all-desirable object. But when the hon. Member for St Alban's treated it as a final measure—and by the word "final" he did not mean invariable and perpetual, but as final as any measure, legislative in its origin and destiny, could be—and viewing the question not only as regarded the Catholic religion, but as regarded Protestant ascendancy in Ireland, it was utterly impossible for the Protestant Dissenters, of whom he avowed himself one, to hope for any thing like a permanent or final settlement in the present measure. [*Cheers*]. If he were Catholic, and were to avow an opinion in favour of the Protestant Establishment, he should fully conceive himself chargeable either with a dereliction of religious principle or with no slight decree of hypocrisy. Hon. Members on the other side of the House cheered him, but why should not truth be cheered. He did not care, however, for the charity of their sneers; all he required was the charity of their silence. The measure was proposed by the Government as a measure to tranquillize Ireland. It was therefore his duty, as a Member of the Legislature, to see how far the provisions of the Bill accorded with its professed object. If he had found that it was likely to lead to that result, then he would have been prepared to say, that there was no sacrifice which they ought not to make to accomplish such an object, but he did not find that such was the case. They had only the statement of the hon. Member for St. Alban's, made in the integrity of his mind, that this was not a final measure, meaning by the word final, not, of course, an unvarying perpetuity, but final, as within the legislative acceptation of the word. This being the case, how, he would repeat, could any Roman Catholic give his support to such a measure? He would not confine this question to Roman Catholics, but extend it to Protestant Dissenters; not including therein Presbyterians, who were not Dissenters, but Non-conformists; and he would say that it was impossible for them, and for the Dissenters of England, who looked for the downfal of the Irish Church as the precursor of the downfal of the Church here — to support a measure which was to strengthen the Establishment—both propositions were to commute tithe into a rent-charge; but the real question was, whether supposing the commutation effected, although the name were changed, the substantial injustice would not be continued; and, further, whether the same powerful remonstrance would not be made to the payment of tithe as a rent-charge, that was now made to the payment of tithe under its own name. The declaration had over and over again been made in that House by many distinguished Gentlemen prominently connected with Ireland—accompanied, too, with threats—for threats might be used one day, though substituted by the extreme of mildness the next—the declaration had been frequently made, that such a measure as this was only to be considered as an instalment. Now, in his opinion, nothing could be a worse system for a Legislature to adopt than this system of doing justice by instalments, and the system was particularly objectionable in a reformed Parliament. It was due to their character to pay the full amount justly required of them, and not to sacrifice a great principle by attempting to put off their creditors by a series of beggarly instalments. If tithes ought to be abolished, and that undoubtedly they ought, in his opinion, why was the question sought to be got rid of, or frittered down by this system of tardy huckstering, of mean contrivance, and miserable evasion? Why not come forward and at once boldly declare, that looking at the state of things in Ireland, the Catholics and Dissenters of that country should no longer be compelled to contribute to the support of a Church from which they conscientiously dissent? He was about to state that not only was it his own impression, arising from the consideration he had given the subject, and strengthened by the various statements which had been uttered by hon. Gentlemen in that House, that any arrangement such as was proposed was only viewed as temporary, and as leading to greater advantages; but he found that members of the Established Church in Ireland entertained precisely the same opinion. The hon. Member for St. Alban's had quoted a passage from a pamphlet on a report of a clergyman of the Established Church, and he should pursue the same course. What said Dr. Hincks, speaking on this subject? He said, "Let none lay the flattering unction to their souls that it is against tithes—as tithes—that the hatred of the Romanists has been excited; and that by changing tithes to some other property the hatred will be dispelled. They hate them, not for anything in themselves, but inasmuch as they are the endowment of a clergy that they hate. If they are exchanged for some other property their hatred will be transferred; it will still exist without any diminution, if they are only appropriated to the same odious purpose to which tithes are appropriated now. The writer was further of opinion, that the tithe commutation would, on the one hand, not secure the clergy in the possession of this income, that it would not tranquillize Ireland; and on the other hand, that it would have the effect of endangering the payment of the landlord's rent." Now, as a Protestant Dissenter, he would say that the Catholics and Dissenters of Ireland would act on the same sentiments with regard to the tithes when they were converted into a rent-charge, as induced them to act against the tithes in their present form. Was that made a matter of regret? None at all; quite the reverse. But what would be the effect of this measure of the Government? It was because he saw that it would transfer the tithes of Ireland which were public property and ought to be devoted to the real interests of Ireland, to the moral improvement and social happiness of the people, to educate the children of the poor, to administer comfort to the aged—it was because he saw, that this system would transfer the property which ought to be so applied to the worldly coffers of the landlords of that country, that he entered his protest against this measure. He was not a little surprised to see, that the noble Member for North Lancashire and those who acted with him should be so eager to enter their protest against the doctrine of appropriation; and he was certainly not less surprised that the members of the Government were so tenacious of their own principle. The measure of the noble Lord, as well as the measure of the Government, afforded abundant evidence of appropriation. One of the measures took thirty per cent from the tithe-owner; the other took only twenty-five per cent, and both of them gave the amount they took to the landlords of Ireland. Now he knew—and therefore let it not be said they were cheering him—what he was about to observe would produce no cheers on either side. The truth was, there was too much of good cheer in it. He knew very well that the proposal would have the sanction of all the landlords, not of Ireland only, but of England also. There were many of the English landowners who were weary of expressing their opposition of the Irish Tithe Bill, but who, nevertheless, chuckled within themselves when they heard of its provisions, and who were not without a hope that the example in the case of Ireland would be contagious, and that, at no very distant time, they should have a Bill for England engrafted on the Irish Bill, which would place in the hands of the English landlords some twenty-five or thirty per cent. Yet there were both the noble Lords protesting against the principle of spoliation. Both were standing up for the rights of the Church, while both agreed in this, that they would take as much as they could to apply to the worst of all secular purposes. On the one side the House heard it said, "There is a great principle running between us, deep, and dark, and fathomless, over which it is impossible to pass, and here we take our stand." On the other side it was declared, "It is inconsistent with our principles, which assert the inviolability of Church property, to allow one shilling of that property to be perverted from or to be directed to any other source." Why, greater hypocrisy than this was never exhibited in Parliament? Yet, upon this both parties were ready to go to the country. He was here reminded of the fable of the monkey and the cats, having found a piece of cheese, and not agreeing as to its division, they determined to refer the matter to a court of justice, over which a monkey presided. The monkey divided the cheese into two portions, and under the pretence of making them equal, bit a piece first off one lump and then off the other. Having considerably diminished them both, they appeared to be tolerably equalized, and the cats declared they were content, upon which the monkey said, "Though you are satisfied, Justice is not; and now I must take what remains for my pains." But the act of appropriation and spoliation did not rest here. He found, on looking over the clauses of this Bill, a provision to which he wished particularly to allude. Two or three years ago, when the Irish clergy were in difficulties—when they could not collect their tithes—that was to say, when Protestants as well as Catholics refused to pay them—for in all their love for the Protestant Establishment, and in their great desire that the Catholics should pay the Protestant Clergy, the Protestants themselves were prepared to take advantage of the storm, when the millions of Ireland were agitated in order to place them in hostility to tithes, the Protestants having availed themselves of the protection afforded them, and having declined to pay the clergy, came here in tearful sympathy, and wrung from the people a million of money for the express purpose of its being applied to the fulfilment of their own engagements. The provisions proposed in the Bill were objected to; but those who ventured to object to it were sneered at as economists, and an assurance was given by the Government, that the amount was to be advanced only as a loan, which would be paid by instalments. Those instalments had never been paid. But he would say, that as long as tithes existed, the payment of them ought to be enforced. Some of the money, however, had been obtained, and more might, no doubt, be found; but in their richness and abundance the Government now proposed not only to forego what was due—they even in this Bill engaged to return what had been paid.

So suppose 700,000*l.* had been advanced out of that million, and one-half of it had been repaid out of the pockets of the Irish Protestant landlords, that amount was to go back to the pockets of these very individuals, some of whom had countenanced the non-payment of the tithes. So much for the hostility to spoliation; so much for the attachment to the principle of appropriation. But let him see how this Bill would work, because he wished the country to know what was the nature of the appeal that was to be made to them. He considered that one of two things would happen, or both. In his opinion, at no distant time, the Consolidated Fund of England would be charged with and have to pay the entire tithe, the stipend due from the Protestants of Ireland. Just let them see how this happened; and the Bill of the noble Lord and the Bill of the Government were similar here. He was not going to enter into any theoretical details. In a published speech of the right hon. Baronet, which came to him peculiarly recommended, coming as it did in the form of a Church publication—in that speech, which he had bought for a penny, and which he had read in that form, not having heard it—in that penny speech, the right hon. Baronet stated that the full amount of the tithes applicable to the support of the clergy was 507,000*l.*; allowing for the reduction of three parts in ten, also for the per centage amounting to 152,000*l.* there would remain 354,000*l.* applicable to the support of the clergy. Now, what was the proposition of these two Bills?—because they were equal in their merits in this particular. It was proposed that tithes should be abolished in Ireland; that for every 100*l.* in tithes 70*l.* should be charged as a rent-charge on the land now subject to the tithes; that the seven-tenths should be paid to the officer of the Woods and Forests; that the parties entitled to this money, or to any portion of it, on the first of January in every year, should receive a certificate or draft on the Bank of Ireland for the payment of that money, and if it was not paid to him on the 1st of January it was to bear interest. Now what would be the effect of that system? The Government was to receive the money—the Government took on itself the payment of the money—it was to give drafts for the money. They had led the clergy into an arrangement by which they would forego 30*l.* in every 100*l.*, and they consented to pay 2*l.* 10*s.* for the trouble of receiving the money and its payment. Suppose, after this, the Catholic and the Dissenter coalesced, and that there was the same hostility—as a Dissenter he hoped there would be to the payment of this rent-charge, for the charge was nothing more than a delusion—that there had been to the payment of tithes? Could they imagine, that when a man came to them and asked for a rent-charge to be applied for the support of the Protestant Church, it would be more acceptable to the Catholic and the Dissenter to pay it in that name than as tithe? It was likely that those who possessed great influence would be able to soothe the troubled mind of Dissent for a year or two, and that state of affairs might be appealed to as evidence of the people's content; but he would say, that if Ireland were content under such circumstances, then all that they had heard about the wrongs and miseries, about the seven centuries of suffering of the Roman Catholic population, was a gross perversion of the fact. Would not Ireland have a right to say that there had been a fraud committed on her, that you insulted her understanding in calling on her to support a Church from which she dissented, by paying money the same in amount, but supposed to be rendered more acceptable to her, because the application came to her under a different title? Ought they not to be ashamed to treat a nation as they would a child when they wanted it to take physic. Such a proceeding was like saying to the child, "Come here, my little dear, take this dose, and if you do not like it in this form, let us try some other." Could it be supposed that the people of Ireland, whom the hon. Sergeant had so justly eulogised as an intelligent and highly-spirited people, jealous of all insult—could it be supposed that the people of Ireland would say otherwise than that they could not submit to such an arrangement. Could it be supposed that the people of Ireland, comprising Catholics and Dissenters, who, on principle, object to a Protestant Church, and who pronounced its doctrines heresies—could it be conceived that they who objected to pay the money as tithes would ever submit to pay it in its more fashionable form of a rent-charge? Would not the effect be that there would be the same agitation, the same public meetings, the same organized force — would not every species of opposition against the payment of this rent-charge be as rife then as now? It might be said, however, —"Oh, yes, but look at the remedy we provide. We are now going to lay this rent-charge only on the land; its payment is to have precedence of all other obligations, and there is to be the same facility for its recovery." He was not aware that the law was to be made more stringent than at present for the recovery of tithes; but if so, that same law which was to be proposed to enforce the recovery of the rent-charge might be effective for the recovery of tithes. The Composition Act gave at this moment to the owner of tithes the power of distraining on the land. The effect, then, might be that this rent-charge would be paid in some instances and withheld in others; but what would be going on all this while? Why, the clergyman had got the certificate—the engagement to pay; the Commissioners of Woods and Forests would be bound to pay, and by every obligation of law the payment would be enforced till the year 1843. Surely it was no straining of the facts to say they warranted the conclusion, that at no distant time agitation would be revived; no doubt for a short time it would be subdued, but it would rise again to all its former power, and there would be the same resistance to this rent-charge that there had been exerted against the payment of tithes. Was not this a subject with respect to which all the constituents of the empire—all the people of England —all those who had to pay into the Consolidated Fund, ought to be apprised? He called on the hon. Member for Middlesex, who was truly regardful of the public purse, whom they might taunt for his economy, but who had gained a more honourable reputation by his unceasing labours to that end, than any other man—he called upon his hon. Friend, though he knew what would be his reluctance to entertain an opinion adverse to the party to which he gave his powerful and steady countenance, to follow him in this to which he gave his feeble powers, and assist him in contending that they were not warranted in putting the whole of the tithes of Ireland, when converted into a rent-charge, on the Consolidated Fund of England. They were told that the amount was to be repaid; but he could imagine that when, the Chancellor of the Exchequer came down one of these days with his financial statement, he would refer to the condition of Ireland—he would speak of the appalling circumstances of the clergy—the House would hear of their distress, and that such was the hostility against them, that they dared not go to the Post-office to obtain their letters. Such facts would be narrated to the House, and upon hearing such an appeal, he would ask could they resist the applications of the Chancellor of the Exchequer? On that ground, and on the other grounds he had mentioned, he objected to this Bill. He thought the effect of such a measure would not be to ensure the greatest and most desirable object set forth in the preamble, he thought it would not be the means of establishing permanent peace and good order in Ireland. He would say that one of two things would occur in Ireland; he thought it not at all unlikely that both would, and thereupon he deprecated the whole principle of this Bill. He found that while on the one hand England would have to maintain the Protestant clergy of Ireland out of the Consolidated Fund, on the other hand the power of the Catholics would so increase that the Catholic Church itself would be put in possession of the rent-charge. His apprehension was, that though England would have to maintain the Protestant clergy of Ireland, the revenues belonging to the Church would be at the disposal of the Catholics. He trusted he should never live to see the day when the Catholic religion would be anything more than a sect. He knew the workings of these systems. It was true the Catholics called themselves the advocates of the voluntary system, but he as a Protestant Dissenter opposed to all establishments, repudiated such succour as the Catholic religion would afford. The Catholic religion was essentially an establishment universal in its pretensions, and tolerating no other: There was not, then, he must be allowed to say, half the ground of complaint from a Catholic against the Established Church that there was for a Protestant Dissenter; nor had the Presbyterians a right to complain of the Established Church in the same degree and on the same grounds that a Protestant Dissenter had. The Catholic and the Presbyterian complained inasmuch as they did not happen to be the Established Church themselves. The Catholics were aspiring to that position from which they had been hurled; they desired to recover that which they had lost in the scramble, and if they regained it they would hold it with a firm grasp. It was not so with the Dissenter; he was meek and lowly in his pursuits. He had no altar but his own heart. He acknowledged no head but his spiritual head. The Protestant Church had its pope in St. James's; the Catholic had its pope at Rome—these were earthly masters; the Protestant Dissenters knew none. The House might look more to a party triumph than to the establishment of a great principle; but he told them that the time was not distant, if they passed this measure, when the Consolidated Fund would be charged with the Protestant clergy of Ireland. He did not say it was equally certain, but it was possible that the growing power of the Catholics of Ireland would enable them to resume the possession of the property they had lost. He had no doubt a statement of the grounds on which he was compelled to withhold his assent from this Bill was not acceptable to many in that House, but he thought he had said enough to justify an individual holding the principles he professed, in refusing to give the measure his sanction. He might be asked would he then leave things as they were? Would he allow Ireland to continue the scene of ceaseless and growing agitation? Would he prevent her improvement by allowing her to be the object of dark design—would he never give peace to that industriously disposed, but oppressed people! Did he mean to say that nothing ought to be done to remedy the existing evils? Quite the reverse. Would the Government go to the people on an intelligible and intelligent principle,—on a principle which would invite all hearts to crowd around their standard, which would make their measure more popular, and deservedly more popular, than reform itself, they would do this; while they respected every living interest in Ireland, while they determined to allow every person in receipt of a stipend from ecclesiastical revenues to continue in the enjoyment of such a stipend as long as he lived, they would extinguish tithes for ever from this day, commuting it into a land-tax, not giving up thirty per cent. to the landlord, but taking the whole; and having got the whole and made it subservient in the first instance to such claims as he had mentioned, they would apply the whole of what remained of this princely revenue to ameliorate the condition of the people of Ireland, to raise the starving millions from their distress, to give bread and comfort to the aged, to give protection to all. He confessed his blood ran cold when he heard the impassioned statements made in that House last night by the most splendid orator of our time. That hon. and learned Gentleman informed them that at this moment there was the greatest suffering in Ireland. What could the starving millions get by this Bill. They were told that there were two millions of people in that fair land actually stretched on the earth, struggling in the agonies of death. Well, and was there any proposition made to relieve them? Formerly they heard that Ireland was unrepresented; there was now no part of the British Empire so ably represented as was Ireland. She was represented, indeed, by the energy of one man, and forty heads were ready to assist him; yet no plan was brought forward which seemed founded on the deep sympathy they professed for the suffering distresses of the Irish people. He would say—let them go to the Irish nation on his plan. He had no objection to go to Ireland; he had no objection at all to be shown up there on College Green; and if he were, he would tell the people of Ireland that his proposition was this. He would say, when he was told that they were afflicted by the payment of tithes, and he was asked to relieve them by putting thirty per cent. into the pockets of the landlords—many of whom were absentees—and by charging the remainder on the Consolidated Fund of the British empire, he moved a proposition in which, after respecting the existing interests, he suggested that the whole money should be hereafter appropriated to the advancement of their comforts, to the education of their children, and to give succour and support to the aged and afflicted. Would not this be worthy of their humanity? This, then, was his plan; and he was as satisfied as he was of his own being that his plan would be popular with the people; that it would confer a great benefit on Ireland, and strengthen the hands of the Government, by securing the affections of that country [*cries of* "*Oh!*" *and symptoms of impatience.*] He must beg to be heard. He had listened with no inconsiderable attention to hon. Gentlemen, who had said the same thing over and over again, and he might say to the hon. Gentleman, who cried "*Hear!*" that he had never in his life been listened to for so many minutes, as he himself had spoken for hours. He knew that his sentiments were not acceptable to many in the House, and he should have been well pleased if he could have withheld them; but he felt that it would have been unbecoming in him to take the part he was compelled to take without as simply, frankly, and briefly as he could, recording his reasons. Having so done, he would say it was impossible for him to give his consent to this measure, inasmuch as he considered it a delusion, and believed that it could not be otherwise than productive of great disappointment.

Mr. *O'Connell:* The plan laid down by the hon. and learned Gentleman is, above all things, practicable. The great merit of his scheme is to lay hold of the tithes of Ireland, and apply them to the use of the poor. That scheme of the hon. and learned Gentleman has for its great recommendation that it is certain of being carried into effect. He has only to propose it, and everybody will vote for it—he is sure of it himself—he who has boasted of his candour and sincerity. It is really nothing but the milk of human kindness flowing over which makes him imagine he could carry such a scheme. For my own part, I am deeply indebted for the kindness he has shown me in saying that with all the interest I have taken in Ireland, I have never once thought of anything for the benefit of Ireland. I respect that cheer—there is sincerity in it—it is like the hon. and learned Gentleman, perfectly sincere. He did certainly, in his benevolence, tell us one thing which cannot be denied—he spoke of the merits of my hon. Friend who is by me, and I will tell him in return, that one of my hon. Friend's merits is, that he never sacrificed his principles or his party to his miserable resentments or disappointments—when a great national question is being discussed, not thinking of the merits of that question, or its practical results, but thinking how he should exhibit a little miserable, spiteful resentment. I wish the noble Lord and the right hon. Baronet joy of their new ally. I will say to the hon. and learned Gentleman, and I say it firmly to him, that I do not think he has spoken the sentiments of his constituents, and I, humble individual as I am, am thoroughly convinced that he has not earned success to-night—let him sneer as much as he pleases at me. I give him leave to sneer as much as he pleases. If he thought he could embody this question in his own little passions and petty resentments he is deceived. No, Sir, he cannot do it. I will now come to the question that is really before us;—the episode was not of my introduction. I confess that the time is not remote when this debate would have delighted me exceedingly, as encouraging the hope of a darling and long-cherished prospect of mine. I long did cherish the hope of the repeal of the Union, and but a short time ago the manner in which this important measure for Ireland has been discussed—the paltry, miserable, political cant, and political hypocrisy that have marked the debate on the part of those who resist any concession, as it is called, to Ireland, would have delighted me as furnishing another topic to show that this Parliament is not disposed—that there was a party in it too powerful to allow the portion of it that might be disposed—yes, I will use the repudiated word—to do justice to Ireland, I am bound, however, to acknowledge that these are no longer my feelings. I say candidly, that I no longer desire an argument for repeal. I have seen too much of the English people. I have seen the chief magistrate of the first city in the world at that bar, and I have heard him speaking in the language of freemen, that which you cannot conceal from yourselves, and which I tell you ultimately you dare not resist. I, with the right hon. the Chancellor of the Exchequer, will "blot out the channel, and proclaim myself a West Briton." I have spoken with the sentiment which I entertain, with unaffected disgust of what I have heard in this debate; but I have been consoled; I have heard the speech, which struck me with great admiration, of a Christian and a gentleman; I heard that speech in which my hon. and revered Friend (Mr. F. Buxton), and I am proud to call him my friend, asserted his own conscientious convictions, and asserted them without offence. I wish the right hon. Baronet opposite (Sir James Graham) would take a lesson from him. Convinced as that hon. Member is of the errors, he being so conscientiously convinced, he a Protestant, appeals to, he relies upon, Protestant truth and upon Protestant justice that neither shall be tarnished by Protestant persecution. That speech I do trust will meet the public eye. I hope he will not leave it to any reporter, but I do conjure him in the name of our common Christianity to give to the public the benefit of the sentiments he uttered, and that they will go with the weight of his name before the world. And is not, I ask, that name connected with—is it not to be found in the first and brightest page in the history of humanity? Agitation? Why, if he had not agitated, where would the negro be now? And yet you taunt, you ridicule, agitation. Eight hundred thousand human beings pour blessings upon his name for his agitation. I trust they will plead for him to the mercy of that God who will judge him. Eight hundred thousand human beings will be his advocates. And when he stands, as he certainly will, before the throne of God, eight hundred thousand beings will raise their voices and claim mercy for him. They will say for him "We were naked and you clothed us, we were hungry and you fed us, we were in prison and you visited us." He would, indeed, be a formidable Protestant against us. But who is it that is now arguing in favour of the claims of Ireland? It is not the angry Christian—it is not the ill-tempered Christian—it is not one who when he finds a kindness intended towards Ireland, endeavours to mar it—it is not one who will cast a stain upon friends—it is not one who when he finds there is a chance of another doing mischief, is sure to be ready to aid in it. We have heard a great deal to-night from one hon. and learned Member, and yet I must say this, that I never was so much obliged as I have been to-night by the hon. and learned Member for Bandon. He spoke for three hours by that clock. Certainly, considering the kind of materials and figures of which the speech was composed, he could have spoken, I am certain, for three hours more, and I am excessively indebted to him that he has spared us that infliction. He might have been misled by the cheers; for he had those who could applaud him in excellent style. I honour him, then, for resisting the temptation, but my gratitude can go no further. There was a horrible practice in Ireland of packing Juries. He himself has called it "nominating the Juries." In criminal cases, the Counsel for the Crown nominated the Juries! According to the old English law, passed in the reign of Edward, the power of challenging Juries was taken from the Crown. But my Lords (the Judges), who have always ruled that the Statute shall not prevail against the Crown in its operation, took care that the same thing as challenging a Juror should continue, by leaving to the Crown the power of "setting by Jurors." In England the practice is almost unknown. An English Counsel does not understand it; but it prevails to such an extent in Ireland, that I have seen fifty-two gentlemen bid to "stand by" by the Crown in the case of a murder, which had nothing to do with politics. Eighteen of these were Magistrates, and yet they were all set aside, because they were suspected of being impartial. I could mention cases of the most frightful enormity upon this point. There was no man ever yet saw this practice who did not deplore it. It has been such, that it was actually a misfortune to have to prosecute in that country. I say this, that the practice prevailing, I could not avoid doing that which was required for the benefit of my clients. I never have shrunk from any duty so much as that of being compelled for the sake of my clients to adopt it. I never thought, however, that any man could complain of the practice being discontinued. I certainly never thought I should hear an Irish Member stand up and arraign the Attorney-General for Ireland for having for the first time introduced the English practice of impartiality, and scorning to select Juries. But there is another passage in that hon. and learned Member's speech to which I must advert. Will it be believed that this packing-Protestant of Ireland—that this Kildare-place (I will not give him any other name) hero, has not only arraigned the Government of Ireland, but he has expressed his horror of them. Why? Because they would not involve Ireland in civil war—because they would not stain her with blood to maintain tithes. For twenty long minutes he railed at the Government, because they did not do that which he thought they ought to do—shed blood in order to collect tithes. Here, then, are your odious——[*The remainder of the sentence was lost in loud groans from the Opposition Members, followed by cheers from the Ministerial Members*]. Oh! that I had an enemy! Assuredly, I should wish him to act as that hon. and learned Member has acted. Remember that when the right hon. Baronet was Secretary for Ireland, he selected for the Privy Council those men the most odious, the most adverse to the people of Ireland. And now here is the advocate for packing Juries, who was placed within one step of the Bench. If the right hon. Baronet had continued in office, he would be now on the Bench—he, who takes upon himself to taunt my right hon. Friend, the Attorney-General for Ireland, for introducing into Ireland the English practice with respect to Juries. There is only another Irish Member to whom it is necessary to advert—that is the Representative for the University; but then he is so good-humoured that I really do not like to say anything which may disturb that good-humour. The only thing that amused me was his *bonhommie*, as the French call it, in designating the Established Church in Ireland, the Irish Church—it is the

Church not Irish. That is the distinction. He must go back to the University, if it were only to correct the Dictionary, by putting that which is said to be "Irish" as "Not Irish." But then we have heard a good deal from the right hon. Baronet, the Member for Cumberland. He says that Ireland has got too much justice. He has ridiculed the idea of justice for Ireland. Why, is Ireland so fallen that any man will presume to ridicule her appeal for justice? Are we so degraded that any man can imagine that he can with impunity taunt us, because we ask for justice? But then he comes on to say, what is justice to Ireland? At one time it meant toleration, and "we conceded it." "We," he says, "made that concession." Next, it was a claim to the franchise, "and we conceded it." I may not follow him correctly, for he is a most admirable arithmetician, and a most excellent orator? Next it was a demand for the Representation, and "we conceded it." Conceded it! A robber takes my purse, and being compelled to restore it, he calls that concession, and says, "we conceded it." You robbed, you injured us in the name of religion; you did so, having the name of religion on your lips, and having none of it in your hearts. But your Protestantism, your political Protestantism, did this; and then you come out upon me with this. I do not care for your sneers, I do not care for your taunting me with your concessions, because you know that those concessions we forced you to grant. You regret them, because we are here to display your insincerity when you conceded, and your still more vain regret now that you cannot retract. The real question here is, not the shifting of the statesmen who are one day on this side of the House, and are not here to-morrow; it is not whether Lords or Baronets are now in the drag-chain, or rather in "the tail" of Toryism. The Dilly is swallowed up or swamped, its followers of thirty-six are gone away, while the masters of the band are *tailers* on the side of Toryism. If we look to this question, and its real bearings—if we do so as statesmen, and not do so as partisans—if we allow common sense and justice to prevail, and leave aside that piety which asserts only individual superiority, and which is somewhat like what an hon. Baronet has called "the filthy aristocracy of the American steam-boat;" if we leave aside that filthy aristocracy which is now assumed in religion, we can come to decide this question—to decide it as statesmen. But first you must understand it. That certainly ought to be some ingredient in the consideration of a question, that you understand it; and now let me see if I can make you understand it. The task is, I am aware, a difficult one; yet I do not despair. The agitation of the tithe question has been attributed to me. I have not that honour. It began before I was born. It was visited by penal Acts of Parliament so long back as 1763. There has been a legal anachronism on this point by the hon. Member for Bandon, and he is deservedly the representative of Bandon. Why, even in my own time there was written upon the gates of Bandon—

> "Here enter Turk, Jew, or Atheist
> Anything but a Papist."

And underneath these lines were at one time inscribed—

> "Whoever wrote the above, wrote it well,
> For the same is written on the gates of hell."

Let me see, then, if I can make you understand it. It was in the year 1760 that the first offences against the collection of tithes were legally noticed. The hon. Member for Oxford has shown himself exceedingly ignorant of the Christian religion, at least of its temporalities. The ignorance of that hon. Member proves the truth of the adage, "the nearer the church, the farther from the altar." He lives close to learning, and it passes unheeded by him. In Ireland, the great body of the tithes, the enormous territorial possessions, were all the donations, the pious donations, of the Catholics. For years before the English went to Ireland, there were the Pope's legates here—they were in the four archbishoprics of Ireland with legatine powers. The tithe system was not in Ireland until the reign of Henry 2nd. It was the English Catholic priests who imported them. The year 1173 is the date at which they commenced. A synod at Cashel announced to the faithful that it behoved them to give tithes to the Church. The faithful responded to that cry; they bestowed those tithes, and so they continued until the 28th of Henry 8th. until the year 1537. Three hundred years ago, for the first time, an Act of Parliament transferred those tithes to Protestants—to that species of Protestantism that Henry 8th avowed. It was the Act of Parliament that declared it to be high treason to deny his supremacy, that handed over to you the temporalities. That is your title to tithes. The Act was divided into two parts—first, there was the pious spoliation, and next the pious supremacy. It was the Christian prince who bestowed those tithes, that attempted to convince the Irish, by making it capital felony to deny his supremacy. Your title is the law—an excellent title, certainly; but if there be not that title, then there has been spoliation; for those tithes were given for the saying of mass, for the invocation of saints, for the prayers for the dead. The saints you disregard, except it be, indeed, the living saints. You pray not for the dead, but you curse the living; you have suppressed the mass, and you declare it to be impious and idolatrous; but you have taken the tithes, and you keep the glebe lands; and yet you come out upon me, and say, that tithes are not the creatures of the law. The law has given it. If it be not the creature of the law, then I really come to the proposition of the hon. Member for Southwark, and I say—give me back the tithes! I affirm that the title to the tithes is a good one, because it is legal. I affirm that title to be legal; but I then draw the inevitable consequence, that being the creature of the law, it is subject to its enactments. The Irish felt the injustice—the gross, the glaring injustice—of taking the tenth potato from the starving peasant. Hence the tithe war. In 1760, fifteen years before I was born, that war had begun. Parliament enacted the severest laws. Bloody statute after bloody statute was passed. Seventy-four capital felonies, on account of tithes, were added to the criminal code. There were, too, 140 transportable felonies on account of tithes. There was a lull and a cessation for a time. The law, by its severity, created a new kind of tranquillity; but the cancer continued—the evil was unmitigated—and it was certain to break out with increased virulence in a short time. You went on with your enactments, and your tribunals enforced them. The jail was crowded with prisoners, the vessel was laden with convicts, the scaffold bent beneath its victims; there remained not the memory of those who fell in the deadly struggle, except the green grass that waved over their graves. All then went on in your own way. You had convictions enough; you had with you the executioner, the sheriff, the constable, the jailer, and the judge; and of these, the latter was the more harsh. Thus you have been going on for sixty years. The contest has so long continued, and every hour it does so makes it worse. The people did not at first fight against you. Carrickshock was then unknown to them; but such as Mooncoin, Rathcormac, and Iniscarra, which are now familiar to us, because they are so recent, have occurred a hundred and a thousand times, and stained the soil of Ireland with the blood of her people. The battle still continues; but there is a lull now—a cessation. Why? Because the people have a government and a governor, Lord Mulgrave, who is disposed to do them justice. He is the first man in that country who has made no distinction between sect and sect, or between parties; who has had the courage to reject partisans, however highly patronised; and the manliness to approve of honest men however lowly recommended. What! have we not had clergymen enough quite ready, in the name of the Lord, to go to war for tithes? Have we not had attorneys, too, to aid them? Have we not had swearing bailiffs in abundance; and, blessings on him, have we not a Chief Baron, who has invented a writ of rebellion—who has found it, where it was sleeping—for it was dead—and awoke it into life and activity on account of tithes! There has not been much blood shed of late; but it was hoped for. There was the expectation of it; there was the confidence that the parties who desire it would have succeeded with this Government as with others. In spite of the parties who thus struggled for collision—in spite of them, the Government has succeeded in proving to the people its anxiety to do justice to Ireland, and thus peace has been secured for a time. But will any man tell me that next winter can pass over in peace, if you do not do something? I put it, then, to English Members, who may vote against this Bill. Indeed, some of them have voted both ways. These are the persons who belong to every party, as it suits their purpose. No man has a better right to say than I have, that there are gentlemen amongst our adversaries. I boast of it. I then put it to those humane and honourable gentlemen to reflect, that next winter there must be blood, there must be ruin, there must be devastation—that those wives and children who are now lamented for as starving, that from them must come the widow's cry and the orphan's wail, if you allow this Session to go over without settling this question. I conjure you by your pity, I beseech you by your love of humanity, I adjure you in the name of the living God, to prevent the shedding of blood. I have heard some people call the Irish savages; but never yet amongst savages were taunt and ridicule adopted, were men called on not to shed blood Am I to be blamed when I adjure you to prevent the shedding of blood. Men of blood, as you are, then call for blood, [*cries of "Order" and cheers.*]

Sir *Stratford Canning* rose to order. He protested against the use of such language to those who sat on that side of the House.

The *Speaker* considered, that if the hon. and learned Member for Kilkenny meant to apply the term "men of blood" to those who had interrupted him, he had used a disorderly expression.

Mr. *O'Connell:* I stand corrected, as far as my expression may be used in that sense, and I shall not use it again; but if those were men whom I conjured, deliberately conjured, to stop the effusion of blood, and I found any man capable of meeting with a taunt that most humane proposition—a proposition that would, I think, be listened to, were we on the very verge of the Seraglio; if, out of this House, I met men who could meet such a call upon them with a taunt, I should have no hesitation in designating them as men of blood. I am not surprised that the same party who have inflicted so much misery upon Ireland, who have been the shedders of so much blood there, should not now, in the last scene, only regret this, that they could not possibly accomplish the shedding of more blood. Why, I ask, did not the right hon. Baronet, who quoted so much, not also quote from Wentworth, Lord Strafford? Oh! what a quotation he could have made from such an authority! Let him look to the summary manner in which Wentworth acted, when he insisted on having for the Crown two provinces in Ireland. The people had then charters and their titles; but of what avail were they? He sent down a Lord Chief Baron—for they had Chief Barons then also; and, as a letter of his states, to secure the services of the Chief Baron, five shillings in the pound were to be given to him out of each pound's-worth of property that he could persuade the juries to give to the Crown. "It is astonishing," said Wentworth, "how attentive the Lord Chief Baron had become." There, then, you perceive, they had Lord Chief Barons also. Wentworth also sent down two troops of horse, as "good lookers-on." The system that was then acted upon still exists. Is there any humane man in this House, any man who has not religion on his lips, and harshness in his heart, who would desire it to continue? It is for humane men, however, to consider, whether some measure ought not to be adopted to put an end to it. It is not a dream, like that of the hon. Member's for Southwark, but a practical plan that is required, to put an end to those calamities. Look around you, and see the situation in which the country is placed? Is there a man that will tell me that he will not agree with me in saying, that something ought to be done for the pacification of Ireland. While in this situation, let us see what are the plans proposed? There are five schemes on this subject. The first of these is a favourite of mine, I shall be quite candid on the subject, I should like to have an absolute extinction of the tithes—call it extirpation if you will. But if you have the courage, if you were in the situation to do it, and the public mind were prepared for it, I should wish you to make a present to the land of the tithes, and to the manufacturing and commercial interests of the corn-laws; and let the clergymen be paid out of the Treasury. Thus you would put an end to the contest. I do not expect you to do this. I have not, upon this subject, the ardent expectations of the hon. Member for Southwark. My opinion is, that the first thing you have to do for Ireland is to make conscience perfectly free, and this by not calling upon one man to pay for the clergyman of another. I am for the voluntary principle. I repeat it, in order that the right hon. Baronet (Sir R. Peel) may have full time to take a note of it—I am for the voluntary principle. The right hon. Member for Tamworth pays me the compliment of saying that I am not. I reject—I deny his position. He has said, that my religion is intolerant. I do not know what his religion may be; I do not inquire into it. He says that I must be favourable to a Church Establishment: I deny it. The last state that has fought its way to liberty is one in which there is a Catholic population. I ask him, then, what Church establishment there is in Belgium? What Church establishment is there in France, unless the payment of all clergymen by the State be called an establishment? What Church establishment is there in Hungary? But I come back to the last and best example: What Church establishment is there in Catholic Belgium? I deny, I utterly repudiate its necessity. Let him not tell me then of my religion. I answer, I know it better than he knows it. I am, however, of opinion that there was a period in history when Church estalishments were useful. When the Church was not under the State, but above the State. It was then the refuge of democracy, the shield of the people. That period is long since gone by. My conscientious conviction is, that a Church establishment is no longer necessary. I do not see any practical good it could effect. I do not wish for it. If I could hope to have a reasonable minority, I should divide the House upon this proposition; but I know that Ireland is suffering and in danger. I do not, then, pause at such a time upon abstract theories. The house is on fire, and I want the aid of good hands to extinguish the conflagration. Well, then, as this principle cannot be carried, is there any other? The next principle is this: I now put this to you, and I hope the right hon. Baronet (Sir R. Peel) will condescend to take a note of it. I say, that upon your own principle you ought to give an establishment to the seven-eighths of the people—to the Catholics of Ireland. If we had a Union such as it ought to be, that should be your duty. The Union, the parchment Union, has provided otherwise—that the Protestant Church Establishment shall continue. Were the people parties to that Union? No: a Parliament that was bought, made the Union, and one of the grounds for consenting to it was, that its mischiefs might be repaired, and its crimes obliterated. Your Establishment depends, according to your principle, upon the greater number of people. That is the principle of your Establishment—it is not a proselytizing Establishment. The people of England have a Protestant Established Church, as they ought to have it, there being eight millions of them--the Dissenters are coming near to them; I am told they amount to six millions, but the majority here have an Established Church. In Scotland, you endeavoured to force upon them your own Establishment. You tried it there, and for one hundred years there was the greatest turbulence, war, and crime. Scotland was your Ireland at that period. Scotland determined upon resisting you—her people took to the mountains—they drew their broad claymores—they gathered on the hills;—they encountered you at the bridges,—they stopped you at the rivers;—they stained the stones with your blood and their own—you often conquered; but they never abandoned the strife, until they secured for themselves not merely liberty of conscience, but an Establishment. And now I ask you why is not Ireland to be treated in the same way? You give us the reason, the superiority of Protestantism! The treaty of the Union, which you have violated yourselves five hundred times, and properly too, for it ought not to be a treaty to prevent any scheme of amelioration. But the reason that you will not, I shall give. The people of Ireland repudiate an Establishment; and, as a Catholic, as sincere in my belief as my respected Friend is in his, tell you, with as much solemnity, as without profaneness one can speak for himself, I absolutely repudiate an establishment for my religion, because I know that it would lose its expansive power within the trammels of the State. It would lose that force of argument, which you know in your own country is bringing so many to worship at its altars. It would lose that force which it has over the human mind, although it might win to Catholicism some whose Protestantism is like that of the right hon. Member for Cumberland. It might win advocates of that kind. For my religion I wish to employ argument, and I wish it not to be stifled in the pride of an establishment. I therefore repudiate it—I leave to you your Establishment, I require it not. But if it be so left to you, what ought your Establishment to be? You have rectors and curates in every parish in Ireland. Why is there to be this enormous staff for only 800,000 persons? Does not this alone sufficiently demonstrate that there is a surplus? Oh! no, says the right hon. Baronet; and I now come to an admirable specimen of his candour. I will take the return from the diocese of Kilmore, says he, and show you that Protestant property is triumphantly the greater in Ireland, and that it is that property pays the tithes. The return upon which he relies is by whom? To whom? Is it a return by any legal officer? Oh no, unless it be an officer of the grand lodge. It is a return to Mr. Mortimer O'Sullivan's Conservative parliament in Dublin. This then is his splendid document. But then this is to be supposed fair, as showing an average of the Protestants and Roman Catholics! Now there are thirty-two dioceses in Ireland. Many of them were united before the Reformation. Kilmore stands the fifth in the list of Protestant dioceses. There are 47,000 Protestants in Kilmore. If I were to take Kerry, one-fourth of which belongs to Roman Cathoics, and said here are 297,000 Roman Catholics and but 7,000 Protestants, this is a specimen of the average of Protestants and Catholics of Ireland, how I should be hooted at by hon. Members opposite. This then is a specimen of the candour of the right hon. Baronet in selecting Kilmore! It is, too, a specimen of the accuracy of the Conservative Association, whose standing rule was, to admit no reporter, except one from *The Evening Mail.* This, then, is the document upon which he relies! But, then, shall I be told that tithe does not consist of three quantities, of labour, capital, and land? Is the labour not Catholic, and is not a great deal of land the property of Catholics? What are you quarrelling with us for, if there is no surplus? If you ask us what we are asserting? I answer, a principle. Ours is the conciliatory principle; yours, the repulsive principle. Is it the Catholic Church—is it the Catholic religion that wants the surplus? No. It is wanted for instruction. I, like the hon. Member for Weymouth, believe that the more instruction is given to the people, the more will my religion be promoted by it. I show that by my anxiety to give. You tell me that instruction is only wanted to induce the people to abandon my religion and embrace yours. I, at any rate, am desirous that the people should be instructed. I agree with the hon. Member for Southwark, that the people of Ireland will not believe that tithes are at an end by calling them rent-charge. The noble Lord, who thinks wisely except upon this subject, entertains a different opinion. I know well that the people of Ireland can well distinguish upon points more difficult to be determined than this. Mark the history of this transaction. The noble Lord who has shown himself such a friend to the Establishment, brought in his Bill in 1834—that was called my Bill. A resolution that I moved in the Committee gave to the Protestant clergyman 77*l.* 10*s.* in every 100*l.* If that Bill had passed the House of Lords, there would be an end to the strife that now exists. If that Bill had passed, the people would have been relieved to the extent of forty per cent., and the difference would have been made up out of the consolidated fund. If you will insist upon forcing the Protestant religion in Ireland, it is right you should pay for it; and the Protestant clergyman would not have been at all dissatisfied at the arrangement, because the money came from the consolidated fund; he would have taken his 77*l.* 10*s.* and pocketed the affront, even though he had the trouble of going to the Treasury for it. But that Bill was thrown out, the collision was commenced, not by us, and let the shock fall on their shoulders who provoked it. The House of Lords threw out that Bill. Persons may suppose, perhaps, that they threw it out because it contained an appropriation clause; but the case was not so, that Bill contained no appropriation clause at all. But the history of their absurdity is not yet complete. Could any human imagination conceive any thing more ridiculous, more arbitrarily absurd, than this proceeding on the part of the House of Lords? My Bill gave the Protestant clergy 77*l.* 10*s.* per cent. I call it my bill for shortness; calumny attributed it to me at the time, and I certainly had a hand in it; and this Bill, which gave the Protestant clergyman 77*l.* 10*s.* per cent., was rejected by the Lords. Well, what took place afterwards? Next session the Bill of the Government of the right hon. Member for Tamworth came before the House, and this Bill proposed to give the Protestant clergyman only 75*l.* per cent., underbidding me, the Popish agitator, by 2*l.* 10*s.* The example being thus set by the right hon. Baronet was followed by the noble Lord, the Secretary for Ireland, when he came into office. He proposed to take off 2*l.* 10*s.* more, being 72*l.* 10*s.* for the clergyman, and so the Bill went up to the Lords. What did the House of Lords do with it? The House of Lords, who refused my Bill which gave 77*l.* 10*s.* to the clergyman, accepted as much of the noble Lord's Bill as gave him 72*l.* 10*s.*, and struck out the appropriation clauses of the Bill, which then was lost altogether. What has been the consequence of this? There has been another Dutch bidding, and the clergyman's share is to be reduced to 67*l.* per cent. The noble Lord opposite opposes the Bill of the Government, and what is his objection and what his object? He wants to obtain, not piety an dknowledge, but gentility for his clergymen; he must have nothing but gentlemen, and of course in his estimate he has calculated the expenses of the dancing master. Oh! Sir, is it not too bad that Ireland should be subject to this protracted cruelty, this ingenious torturing, emanating from those who pretend to be her guardians? There sits the doctor, [*pointing to the Opposition bench on which sat Lord Stanley*]—there he sits—look at him —he has prepared a dose for Ireland—she must swallow it—it may not do her much good perhaps—true, she may die under the infliction of it, but swallow it she must. Now what is the noble Lord's plan? Let us go over his plan. He proposes to give the clergyman seventy-five per cent. of their tithes, thus at the outset, by-the-by, underbidding me by 2*l.* 10*s.* But I put it to the House and to the good sense of the people of England, whether that is not too much? I put it to them whether 6,000,500 men shall be made to pay for the religion of 700,000? Is it fair that the agricultural industry of the whole nation should be oppressed for the advantage of a few? Let us look to Paley on this subject—Paley says, that of "all incumbrances adverse to cultivation none is so noxious as tithes, not only was it a tax upon industry, but upon that industry which feeds mankind." After reading this, is it to be wondered at that the people of Ireland are now starving, in a land which produces food in abundance, which still tempts their lips, but which they never dare to taste? Such is the melancholy state of things in Ireland; and I tell you this to warn you, that what would be accepted as a remedy this year might not be taken next year, and that that which would have been received as an act of conciliation last year would be but an experiment now. I would not venture so far as to express a hope that the experiment would be a successful one; but of this I am certain, that what would have been accepted before, would not be accepted now if it came from adverse hands, with power to crowd the King's council and the Bench with partisans hostile to the liberties of the people—in such hands the benefit would be nothing, and I should advise the people of Ireland with one voice, to reject it. And I tell you rejection there will be. There are those who have influence, who are determined to make use of it to preserve in their places the present Ministers, who have honestly undertaken the cause of Ireland, and to defend them from the insidious attacks of those who seek to displace them. What will you do then? You may make war on Ireland; but I tell you this, Ireland will not make war on you in return—and further, I tell you this, that if you do wage war on Ireland, you will not have the people of England to back you. What is more, you will have the people of England, almost to a man, against you. The fact is this—there have been normal schools of political knowledge established throughout the country, and in all the cities and towns of the kingdom. I have been to visit them; I have shaken hands with the pupils, who crowded round me as if I were a beast in the Zoological Gardens. You laugh, but they are there acquiring knowledge, which will teach them to laugh at your absurdities, and to esteem you as you deserve. The spirit of science and of knowledge is gone abroad amongst the people of England, and the consequence is, that the "No Popery" cry of their predecessors has dwindled away into a soft wailing from the mountains of Cumberland. The hon. Member for Bradford, with all his piety and purity, will doubtless be astounded to learn that the corporation of Bristol, the Tory corporation of Bristol, have sent up a petition for the emancipation of the Jews. I have now, I think, said enough to impress upon the House my feelings on this subject; I have poured out my whole soul before you, and in the warmest language of my heart I have intreated you to do justice to Ireland. I call upon you now to do it, if you be statesmen, and not empyrics, if you be Christians with Christian charity in your bosoms, and not mere sectarians and pretenders to religion; if you believe in that retribution with which honest men ever visit those who have been guided in their actions by the mere trick of party spirit—or if, above all, you believe in that more awful retribution which shall be visited upon you by that omnipotent Being who must some day hence judge the motives and the secret intentions of us all.

Sir *Robert Peel*: I hope the hon. and learned Gentleman is not about to quit his place.—[These words were followed by the most deafening yells and cheering from the Opposition benches, which continued for some time. Mr. O'Connell left the House for a minute or two, and returned.] It certainly is much more agreeable to a person rising to notice observations made with considerable vehemence and warmth by another, that he should have the opportunity of noticing them in the presence of that person. And as the hon. and learned Gentleman did personally suggest to me, the taking a note of what he was saying, and challenged me to give an answer to the statements which he was making, I think I could hardly have expected that the first act of his on closing his speech, would have been to deprive me of the opportunity of making my comments in his presence. The learned Gentleman commenced his speech by a warm eulogium on a speech delivered the other night by the Member for Weymouth (Mr. F. Buxton). He considered that speech as a complete exemplification of Christian charity; as a proof that it was possible for a man to maintain his own opinions and to urge strongly his own views, and yet do that without insulting his opponents—without imputing to them impure and corrupt motives for the conduct which they were pursuing. The learned Gentleman advised that, as a specimen of true Protestant feeling, the hon. Gentleman would not trust his speech to a reporter, but would report and publish it himself. For the purpose of giving force to the contrast, will the learned Gentleman report his own speech? He admires the example which has been set him, he admires this proof of Christian charity and truly Protestant feeling; but in the speech which he has made to-night, in his imagination, in the character of a West Briton, it is quite clear, that while he admires the example, we have not made him a convert to Protestant charity. The learned Gentleman says that it is right we should understand the Bill, as statesmen, before we pronounce upon it. I listened to him, having great doubts whether I did understand the Bill, having doubts whether I did comprehend the real motive from which it sprung, or the object which it professed to gain. I did listen with patience and attention to him for the purpose of having any deficiency of information supplied to me. The learned Gentleman was exceedingly severe on the hon. Gentleman beside me (Mr. Harvey) whom it is no part of my duty to defend—whom it is no part of my duty, because the hon. Gentleman, I think, opposed the proposal of the noble Lord, as he did the Bill before us. But I must say, after the avowals made by the learned Gentleman, that although it is no part of my duty to defend the Member for Southwark, I do not conceive why he was subjected to the attack of the hon. and learned Gentleman. The hon. and learned Gentleman says, that the Member for Southwark entertains extravagant notions on this subject, that he contemplates the appropriation of tithes to the purposes of charity or of public utility; and then he says, that he will tell us what his own opinions on the subject are. Why, they appear to be about as extravagant as those of the hon. Member. He says that the true notion would be that of returning tithe to land, giving up the corn-laws to commerce, and paying the clergy out of the Consolidated Fund. Why, that seems to be pretty nearly as hopeless a proposition as that of the hon. Member. The hon. and learned Gentleman says that this Bill will settle the tithe question. [Mr. *O'Connell:* No.] Not effect an arrangement of the tithe question? [Mr. *O'Connell:* At present it will not.] Then why does he invite us to accede to it? If it is to effect no settlement, if it will continue the discontent and disorders which prevail, what is the argument by which the learned Gentleman asks the vote of the House to it? The learned Gentleman makes a speech, in which, professing to be an advocate for this Bill, he repudiates every one of the principles on which his Majesty's Government profess to rest it. At the same moment that he is professing his adherence to it, he uses arguments which preclude its acceptation by the people of Ireland. "Make this settlement," he says, "for the Church." "Do you wish," he asks, "to put an end to scenes of bloodshed that have caused pain to every feeling mind?" We do; but what hope have we of putting an end to those scenes of bloodshed if we are to accede to this arrangement, and then hear the comments which the hon. Gentleman makes? The Bill of his Majesty's Government proposes to allot 368,000*l.* to the maintenance of the parochial clergy in Ireland; that sum is to be raised by annual payments, according to the Bill—that Bill of which the learned Gentleman is the advocate, and which he condemns us for not acceding to. The whole change is to be a conversion of tithe composition into rent-charge, the rent-charge being paid, in the first instance, by the first estate of inheritance—by the landlord, but being subsequently paid to the landlord by the occupying tenant. The Bill maintains an Establishment. The hon. and learned Gentleman says no Establishment ought to be maintained. The Bill makes the support of that Establishment to fall on the occupying tenant, not by a direct payment, but indirectly it does so. The learned Gentleman says that he is an advocate for the voluntary principle; he thinks that no man ought in justice to be required to pay for the support of a religion which he does not profess, and that the clergy of Ireland ought to be paid by the Consolidated Fund. Observe, these are arguments which he uses to induce the people of Ireland to adopt the Bill which is directly opposed to the voluntary principle for which he contends. They are to have tithe composition converted into rent-charge. He is opposed to redemption, which we propose; but "no," says the learned Gentleman, "I will not even give you leave to bring in your Bill; the real extirpation and extinction of tithes shall and must be part of the arrangement." They are to be called on for the annual payments, and the learned Gentleman who invites them to pay, says that he maintains the system of the voluntary principle, and the injustice of any man supporting a religion which he does not profess. The hon. and learned Gentleman says, that if we did justice, we ought to allot seven-eighths of the tithes to the Roman Catholics as an establishment. Is that the way in which he reconciles the Roman Catholics, who receive no part of the tithe, to pay the seven-eighths to the maintenance of the Protestant Establishment? And finally, the learned Gentleman says, that Scotland did not effect the establishment of her religion by this tame acquiescence—that her people went out in the morning on the mountain sward with their claymores—that they were not content with liberty of conscience, but demanded establishment, and with establishment an ascendancy. And the hon. and learned Gentleman, with his boasted influence over the people of Ireland, thus demonstrating his view of the injustice of this arrangement, tells us that we may hope the next winter will pass in quiet, and that there will be a universal and cheerful acquiescence, because tithe-composition is converted into rent-charge. The learned Gentleman, too, calls us men of blood, and insinuates that we view without horror—almost with satisfaction—the melancholy consequences of enforcing legal rights. He details, as is his wont, the scenes of Rathcormac; he tells us of the widow and of the orphan; and by this enumeration of horrid details he works on the feelings and on the passions. Now, let me ask of the learned Gentleman, after the views which he has expressed of the injustice of maintaining an establishment, if the wrong of departing from the voluntary principle, and the grievous oppression of withholding from the people of Ireland seven-eighths of this fund, for an establishment of their religion—if for an establishment they were disposed—let me ask of the learned Gentleman what security he can give that next winter, without the shedding of blood the enforcement of his rent-charge will be possible? Will he abandon it to the first threat of opposition, or if opposed will he enforce the law—and if the civil power be insufficient, will he call in the aid of the military force? If he will, he will be responsible, as he attempts to make us, for the scenes of suffering which he details—for the cries of the widow and the orphan. If, on the other hand, he advises, that on the first show of resistance you should abandon your right, then let me ask you what becomes of your security for the rent-charge? There have been many speeches delivered in the course of the debate, many parts which I should have been glad to notice, but on account of the lateness of the hour, and because I feel how completely exhausted the subject is, I shall refer only to their speeches which were peculiarly important, either from the ability which they manifest, or the station of those who delivered them; and first, and shortly, I shall refer to the speech of the learned Gentleman (the Member for Weymouth), which has excited the admiration, but has not insured the imitation of the learned Gentleman. That hon. Gentleman (the Member for Weymouth) has, I think, for some reason or other—I am sure a conscientious one—abated somewhat of his anxiety for the Protestant Establishment. The anxiety and apprehensions which he expressed last year have been considerably diminished. The hon. Member then insisted that ample precaution should be taken in case of an increase of the number of the Protestant Establishments, for holding ample reserves for the purpose of insuring the spiritual care for their increased numbers; and he now makes his vote for this Bill dependent on one condition—he, a determined friend of this Bill, was yet prepared to withhold his assent from it and oppose it, unless he received some assurance that immediate inquiry should be instituted into the subject of Irish education. But can the hon. Gentleman be surprised at other persons entertaining a similar jealousy? If the hon. Gentleman thinks that there is a *primâ facie* case for inquiry—and he is prepared to withhold his assent to the Bill unless inquiry be conceded, let me ask him what he would do supposing inquiry were conceded, and the result to be unfavourable? Surely, if there be ground sufficient to withhold your assent from an important measure unless inquiry be granted, it follows as a matter of course, that, assent ought to be withheld if the result of inquiry should be unfavourable; and can the hon. Gentleman be surprised if, when he thinks it necessary to demand inquiry, the Members of the Establishment in Ireland should view with some reluctance and apprehension, before the inquiry, the irrevocable alienation of their property by Act of Parliament, for the purposes of advancing the object of this Bill. The hon. Gentleman says, " You contend that there is no surplus, and if then," he triumphantly asks, " there be no surplus, what can be the possible objection to appropriation?" I tell the hon. Gentleman, in the first place, that to discuss hypothetical questions with respect to excess of property, is dangerous to all property. I say that it signifies not what the character of the property be; I may see the distinction between corporate and individual property—I may recognise that the one is a trust, and that the other belongs to individuals without a condition annexed to it. But although there be that distinction in the character of the property, let me tell the hon. Member that the danger to all property of discussing hypothetical cases with respect to excess is precisely the same. Establish the fact of a surplus, and with your principle, having determined the amount, proceed to appropriate. But there is danger, you being uncertain whether there be a surplus or not, in your assuming the contingency and providing for its appropriation. Suppose the hon. Gentleman said to a man engaged in trade, or having large landed possessions, " we will provide that in case of there being an excess of property, more than is sufficient for your wants, it shall be devoted to some other purposes." If that were objected to, the answer would equally apply, that "if there be no surplus where is the harm done?" It is a bad precedent to establish, and on that account it is objectionable; it is objectionable to set the precedent of legislating for hypothetical cases. If the hon. Gentleman has watched the course of legislation this Session, he must have seen that we have enough to do with practical matters. This is the 3rd of June, and we have made no great advance in practical matters. The clap-traps of the last Government have been held up to public scorn; but so satisfied is the hon. Gentleman of the progress which we have made in the remedy of grievances, and in administering practical measures of relief, that he is content to provide, on an assumption of the future, for contingencies which may never arise. But there is another evil. If there be no surplus, you are practising a gross and unjustifiable delusion. You are deluding the tithe-payers of Ireland. You have not taken a surplus from the Irish Church. You have appropriated nothing from the Irish Church. You have taken 50,000*l.* from where? From the Consolidated Fund. Who provides the Consolidated Fund? The tithe-payers of Ireland, by taxation, contribute towards it; and the delusion which you practise on them is this—that, after the lapse of years, you will perhaps be enabled to obtain something from the surplus of Church property for the payment of that 50,000*l.* which you now take from the Consolidated Fund. The noble Lord told us, that it would be years before a surplus arose for that purpose. And this is the question about which we are debating. This is the matter on which apparently parties are at issue; then, years hence, a few hundreds will be raised for the purpose of paying a surplus which does not exist, but which you are giving a fictitious existence to by taking it from the produce of the general taxation of the country. That, then, is my answer to the hon. Gentleman—that if there be no surplus, although in one sense the concession of appropriation may be small, it is objectionable in principle, as endangering property, and objectionable in fact, because it is a delusion. The three speeches to which I wish more particularly to refer are the speech of the noble Lord, the Secretary of State for the Home Department, the speech of the noble Lord, the Secretary for Ireland, and the speech of the learned Gentleman, the Member for the county of Tipperary. I select these three speeches because I consider them of importance themselves on account of the abilities of those by whom they were delivered, and on account of the station of the two noble Lords, and also because one of them, as we are told, indicated the principle on which the Government has proceeded. That was the speech of the noble Lord, the Secretary of State for the Home Department. The speech of the noble Lord, the Secretary for Ireland, administered what he called in his jocose phrase " a dose of calculation." The speech of the learned Gentleman was important, he being the able and eloquent Representative of a class, and explaining the grounds on which he gave his apparently cordial support to this proposition. The noble Lord, the Secretary for Ireland, told us last night, that in the speech of the noble Lord, the Secretary for the Home Department we must look for the principle of this measure. He said, that the measure was founded on broad and fundamental maxims, and that those should be explained by the noble Lord, the leader of the House of Commons; he intended to perform the part —which he performed with great ability—the subordinate part of supplying the arithmetical calculations. He said, "important as are the principles—although we rely on them—although they are broad and fundamental—and although we are almost inclined to disregard statistical and arithmetical calculations, yet the inferences which we draw from our philosophy are confirmed by our arithmetic; we stand on the double ground—we defy opposition, and, fortified by philosophy and figures, we are prepared for the contest." I want to examine both the philosophy and the facts. I first want to examine the principle on which this rule professes to be founded; and then the principle having been established, I want to ascertain whether the calculation be correct. I want to show that not acting on my own assumption—not defending the abuses in the Establishment—not urging extravagant compensation for sinecures, or insufficient duty—the arithmetical calculations of the noble Lord fail him. I want to show—taking his own data, with the new amendments which have been introduced into the Bill—he has been again deceived. I am almost afraid to do this, because the noble Lord next year will tell me that the scheme is mine. I expect that, because I assume the principles of the Government—because I attempt to show that on their own data, they have hardly the means of executing their own intentions. The noble Lord will hereafter tell me, "this was your plan of Church Reform, and you ought to be satisfied, because we have adopted your suggestions." The noble Lord (the Secretary for the Home Department) had risen professedly to reply to the noble Lord, the Member for North Lancashire, who, the question turning necessarily on arithmetical details, had confined himself naturally to this narrow compass, not whether in the case a large surplus should be proved to exist, it would be proper to appropriate it in such and such a manner, but whether any surplus at all did exist or not. The noble Lord, the Member for North Lancashire, had gone on step by step throughout his speech to show that if the clergy of Ireland were adequately provided for there would be no surplus. The noble Lord, the Secretary for the Home Department, gave a short explanation of the principle on which the measure was founded, and then, having made a declaration against figures as of very little importance, the noble Lord flew into a declamation on the course which he stated we were about to take. "On the same grounds," said the noble Lord, "on which you brought in or acquiesced in the Coercion Bill, or in the same spirit in which you resisted corporate reform, and in which you have misgoverned Ireland for seven centuries—on the same grounds and in the same spirit you now refuse to appropriate a contingent surplus, and I cannot condescend to argue the question when placed in this its true light." Such was the declaration of the noble Lord. But was the principle a new one on which this measure professed to be founded? I thought, until the noble Lord had spoken, that the principle adopted by his Majesty's Government was, that the first claim on the revenues of the Church was for the purposes of the Church. "I thought, that on that view the claims of the Roman Catholic population were necessarily excluded, not only here, but by the Government, until the fact of the existence of a surplus was ascertained. But," said the noble Lord, "you talk of 200*l.* per annum for the Protestant clergyman, and for supplying the spiritual wants of Protestants; but you omit from your calculation the 6,500,000 Roman Catholics: you consider them as aliens in blood—as subjects of a lower class than yourselves; you totally forget their claims on the Church revenues." Sir, for myself, I disclaim entertaining any such view with respect to my Roman Catholic fellow-countrymen. I have always said this, and I repeat it, that civil disabilities having been removed, I admit no civil distinctions between any of the classes of his Majesty's subjects. They stand in that respect upon a perfect equality. But if I admit that the first claim on the revenue of the Established Church is the spiritual wants of the Church, I have a right to exclude the claims even of the 6,500,000 Roman Catholics. I don't say neglect those claims—I don't say withhold the means of supplying the deficiencies on which they rest—I don't doom the Roman Catholics to the darkness of ignorance and eternal deprivation of the light of knowledge—I say, consider their condition and ameliorate it; and if they are in such a state of ignorance as they have been represented, surely this kingdom is powerful and prosperous enough to find the means of enlightening such a class of his Majesty's subjects. I do not, therefore, exclude the 6,500,000 Roman Catholics from a share in the benefits to be derived from instruction and knowledge. I only doubt the legitimacy of their claims until the spiritual claims of the Church of England in Ireland are satisfied. I only say, don't satisfy these claims from that source. I do not say that these claims do not exist, neither do I say, postpone the consideration of these claims, and doom those who urge them to ignorance. All I maintain is, that their instruction should be provided for from sources not affecting the revenues of the Established Church. When I heard the noble Lord declare his willingness to try a new principle with respect to the Church Establishment, I thought that new principle would at least be a common one. This I know, that the principle I have laid down was a common principle. What new colleagues the noble Lord may have, or how he may have been compelled to change his opinion, I know not. Having no surplus, your arithmetical calculations fail you. Your old principle not answering your present object, it became necessary to devise a new one. With that I have no concern, but I would prov to you that your old principle was in conformity with my views. In the year 1833, the noble Lord (Stanley's) scheme for Church reform was proposed. It was that scheme by which extensive and important reforms were effected. The number of Bishops were reduced from twenty-two to twelve; provisions were made for the complete extinction of all sinecures; power was taken of dealing with every existing living, and apportioning to them stipends of not more than 800*l.*, and not less than 200*l.* per annum. He who proposed the Bill explained the principles on which it was founded, and the means taken by his Majesty's Government with respect to the principle of the appropriation of Church revenues. The noble Lord who was the Secretary for Ireland, is now considered as entertaining extreme opinions on the subject of the Irish Church, and on the inalienable nature of the revenues of that Church. But was that Bill proposed by the noble Lord? No, but by Lord Althorp, who, as if to give more emphatic proof of the fact that it was not the Bill of an individual, but the measure of Government, distinctly declared, in proposing it, that "it had been agreed that this measure should be brought forward as a measure of the Government; and it had been thought best, on the present occasion, as on former occasions, by a person who filled the situation in the House that he filled, rather than the particular Minister with whose department in the Government of Ireland the measure was more especially connected."* The noble Lord, in the course of that speech, having explained the details of the measure, continued—"However great the differences of opinion may be, as to the right of Parliament to apply the property of the Church to the purposes of the State, both those who think it has no right to transfer it, and those who think that it has, all are agreed, I think, in this, that the first claim on the property of the Church is, the Church itself."† No parties are likely to dissent from this opinion, except those who either think that there ought to be no church establishment at all, or those who think that a different Church ought to be established in Ireland. The noble Lord repudiated the notion that seven-eighths of the property of the Church Establishment should be disposed of, in proportion to the number of those who differed from it in religious opinions. "We have heard, said the noble Lord, frequently of benefices in which no duty is performed at all, or where there is no church, or where there is no resident minister. We have heard these statements frequently made; but it is also well known that there are many places where there are congregations in which there is a difficulty in the due performance of public worship; and that the working clergy, whilst their superiors enjoy large revenues, have very inadequate incomes, and are frequently placed in the most distressing circumstances. There are 200 livings in Ireland of less value than 100*l.* a-year. Whilst this is the case, where there are Protestant congregations who require to be supplied with the means of attending divine worship, it cannot surely be said by any one that the Church of Ireland ought not to have the first claim on the property of the Church."‡ These were the opinions adopted by the Government of 1833, and explained by Lord Althorp. Then, Sir, what is the principle now assumed by the noble Lord? I took a note of his words. I hope it will be found accurate. I hardly think there is a mistake in it. Now observe, that the opinion of Lord Althorp and the Government of the year 1833 was, that in case you admitted the Established Church to the first claim upon the revenues of the Church, it follows as a necessary consequence, that you must have this country divided into districts of a convenient distance, and a proper stipend attached to each. But the principle which the noble Lord maintained was this—"When you talk," said he, "of the State, I contend that it is the duty of the State not to choose or select a religion which shall be in accordance with the religious opinions of the Legislature or supreme authority, but to secure the means of inculcating instruction and morality amongst the great body of the people. If we were to maintain any other opinion, we must extend the Established Church of this country to Hindostan, and the clergy of our Established Church should repair thither, in order to spread throughout these and all our other dominions one religion, and to enforce a conformity to one faith." Now I have heard of an established religion, of which the propagation of its doctrines was not the main object. If that object be not the propagation of its doctrines, there is an end to the Establishment. How is that possible, but by inculcating the subscription to those doctrines which the professors of that religion maintain? "But," says the noble Lord, "it is the duty of the State not to select a religion in accordance with what the Legislature or the supreme authority may consider right, but to inculcate instruction and morality amongst the people." I say, that doctrine is fatal to the Reformation. It may be the duty of the State to take measures for the general instruction of the people—it may be the duty of the Legislature to provide the means of moral instruction in a country circumstanced as Ireland is—it may be proper to provide some mode of supplying instruction on a national principle, precluding the prevalence of any special religious doctrines from such a system—but if an establishment is kept up at all, it should be for the purpose of maintaining the doctrines which it was established to enforce. What are these doctrines? The doctrines of Protestantism, as opposed to the creed of the Church of Rome. If we are not ashamed of the Protestant faith, can we maintain the principle that it is not the duty of the Legislature to provide the means of inculcating, not merely the moral instruction of the people, but affording the inhabitants of the country the means of worshiping God according to the rites of the Protestant religion, and selecting the ministers of that religion with the view of inculcating it. And if we determine on this course, the noble Lord argues that we must extend to Hindostan the clergy of the Established Church. Why? What! is the Church of Ireland placed in such a position as to make the question whether the established religion should be extended to Hindostan an analogous case. Is not the Protestant religion introduced by law into Ireland. Is not the King sworn to maintain the Protestant religion in Ireland? Does not the Act of Union guarantee its maintenance? And shall I be told that the question of the maintenance of the Protestant religion and establishment of it in a portion of the empire, with respect to which its continuance is guaranteed by the compact of the act of Union, should be argued in the same way as the question whether the Protestant clergy should be diffused over Hindostan? If there be one established religion, the inculcation of its doctrines—let the noble Lord say what he will—is an essential condition of it, and it cannot exist without it. If it be not our duty to inculcate the especial doctrines, it is our duty to abolish the Establishment. Paley argues that the religion of the majority should be the established religion. But if Paley were right, and we were wrong, still it must follow, as a necessary consequence, that the doctrines of the established religion must be inculcated. The question whether you choose the religion of the State, in conformity with what the supreme authority considers the truth, or whether you take the religious belief of the majority as the foundation for your establishment—and the latter proposition seems to have had the support of Paley—may be open to doubt. But whether Paley were right or wrong, that after you had selected the religion of the State, you are bound to inculcate its doctrines, seems to me to be a principle altogether incontrovertible. If, indeed, the noble Lord's principle be correct; if it be our duty to inculcate general, moral, and religious instruction, rather than the doctrines of the Established Church; then, indeed, the noble Lord is justified in maintaining that the revenues of the Church should not, in the first instance, be applied to Church purposes, but without reference to the demands of the

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* Hansard, (Third Series) vol. xv. p. 562.

† Ibid. p. 568.

‡ Ibid. 568.

Church, the order of distribution should be reversed, and moral and religious instruction be administered to the people through other means than that which the Establishment supplies. But the system of instruction proposed by the noble Lord, and to the support of which the supposed surplus is to be applied, excludes all reference to religious doctrines. The noble Lord's intended system excludes all reference to religious opinions, and the first claim on the revenues of the Established Church is to provide means for the maintenance of such a system. If Lord Althorp's principle be adhered to, namely, that the first claim on the Church revenues is the supply of the spiritual wants of the Protestants, we are entitled to see what is really required to satisfy those wants. If, however, that noble Lord's principle be correct, we are bound to inquire, not what may be requisite for upholding the Protestant Church, but what may suffice for affording moral and religious instruction to the people. But how does the noble Lord satisfy the conditions of his own proposition? If it be the duty of the Legislature not to support the Establishment, but to devise means for promoting the moral and religious instruction of the people, why does he consent to postpone it? If it be his duty to the people of Ireland to take from the revenues of the Protestant Church, why does he make a boast of a plan which is to depend upon a contingent surplus, and which must take many years before it can be carried into execution? The noble Lord having assumed the principle of Lord Althorp, that the first claim is the wants of the Establishment, I will prove to him that his large surplus would have no existence if the reasonable wants of the Church were supplied. The whole question turns on the accuracy of the noble Lord's calculations. Now I am going to question their accuracy, and without ascertaining whether his magnificent surplus should be devoted to general moral instruction or not, I intend to show that his estimates are fallacious, and if he was prepared to uphold his own expressed intentions with regard to the Protestant Church, there will, in point of fact, be no surplus. And if that be the case, then I say, it furnishes an undeniable argument in favour of the amendment of the noble Lord, and I have a right to call on you not to countenance those delusions, and not to hazard the security of the Church and of the peace of Ireland by holding out expectations which cannot be realised, and which can only end in disappointment. I will make no allusion to the fund for the building of churches, but I entreat the noble Lord's attention to a scrutiny of his calculations. The noble Lord proposed that 1,250 benefices should be continued in Ireland. He had, with a view, as he said, of consulting the feelings of the people of England, given, as an average amount of income for each clergyman, 295*l.* a year. Of this 295*l.*, forty-five pounds were to be supplied by glebe; and, consequently, 250*l.* would remain to be supplied by tithes. The total revenue which the noble Lord, according to his plan, would require for the parochial clergy of 1,250 benefices, would be 368,750*l.* Deduct the glebe—for that calculation included glebe, which amounted to 56,000*l.* —and the sum which the noble Lord would require from tithes would amount to 312,750*l.* There is an error in the noble Lord's calculation; but I will take the noble Lord's own figures. The noble Lord estimated ecclesiastical tithes at 511,500*l.*: he thought they only amounted to 507,000*l.*, but he would take the noble Lord's estimate, and, deducting the thirty-two and a half per cent, which would amount to 166,000*l.*, from the 511,500*l.*, and there would remain 345,500*l.* The tax on benefices is 7,300*l.*, which will reduce the amount of ecclesiastical tithes to 338,000*l.* The noble Lord calculated on 250 curates, which was a large reduction on the present number of 450. The curates were to be allowed 100*l.* each; 75*l.* of which is to be paid out of the general fund, and 25*l.* by the clergyman. Still, though drawn from different sources, 100*l.* a year must be drawn from tithes. The fund thus created will amount to 25,000*l.* The amount of tithes has already been reduced to 338,000*l.*, take from it 25,000*l.*, and there will remain 313,000*l.* The noble Lord said not a word about re-opening compositions, or the purchase of glebes, which, in my opinion, will amount at least to 20,000*l.* I have already reduced the sum to 313,000*l.*, and if I am correct in the statement of what is to be allowed for the purposes just stated, it will reduce it to 293,000*l.* But to this must be added, 10,000*l.* ministers' money, which, upon his own showing, will raise the sum calculated upon by the noble Lord to 303,000*l.* Out of that sum 1,250 benefices are to be provided for at 250*l.* which will amount to 312,000*l.* By deductions from the noble Lord's own principles it is plain that he wants

312,000*l*., and he having only 303,000*l*., instead of there being any surplus, it is plain that there will be a deficiency of 10,000*l*. Where will this surplus be derived from? It can come from no other source whatever but the sale of Church lands. The noble Lord has taken power by the Bill to sell Church lands on the next avoidance; tithe is uncertain property, but land is not. They left, as the Bill stood, the clergy in the possession of a rent-charge, and they took the power of selling every acre of Church land into the hands of the Crown. What is the case which they heard stated to-night There was a clergyman deprived of every shilling of his tithes; but having the good fortune to have twelve productive acres of land, and God having blessed him with sons able and willing to work—ashamed to beg, but not ashamed to dig—he contrived to eke out a miserable subsistence by the produce of some potatoes, gleaned by the sweat of his own sons' brows. The noble Lord last night made a great impression on the House, by attempting to show what is the amount of duty committed to an English clergyman, compared with that of an Irish clergyman. The comparison which the noble Lord instituted between a clergyman in Scotland and in Ireland is wholly inapplicable. The noble Lord estimated the average extent of parishes in Ireland at ten thousand acres, the area of an English living at 3,460 acres, or five square miles. Now, it did not at all follow as a necessary consequence that the duties of a clergyman were in proportion to the number of the inhabitants of his parish, for a small number scattered over an extensive area would impose duties much more burdensome than a larger number living in a small extent. In Ireland the noble Lord computed there were 10,000 acres in a parish comprising an area of thirteen to fourteen square miles. But that estimate is altogether incorrect; and if I prove that, what confidence can be placed in such statements, and what becomes of the conclusion that the Irish clergyman is assigned a sufficient stipend for the duties which he has to perform? There are 20,000,000 statute acres in Ireland. Divide 20,000,000 acres by 1,250, the number of the benefices, and there would remain 16,000 statute acres for every parish. The noble Lord's estimate is 10,000, so that here is an error of 6,000 acres. The noble Lord also said, that the limit of the area was fourteen miles. But there are 640 statute acres in a mile; and divide 16,000 by 640, and it will be found that the noble Lord has made an errof about twelve square miles, when he estimated the area of the parishes in Ireland at thirteen to fourteen miles. The average is twenty-five square miles, instead of fourteen. The average number of Protestants in each benefice is 650, who will be intrusted to the charge of every minister of the Church of Ireland. Now there being 650 members of the Church, and the duty being extended over twenty-five square miles on the average in every benefice, is it just to limit three-fourths of the Establishment to 250*l*. per annum at the *maximum* of emolument? Why, then, talk sarcastically of acres? That is a wretched sophism put forth to extort a cheer from a party. And you who have repeated with so much levity this doctrine, will you allow me to read to you what was said by Lord Althorp when the Church Temporalities Bill was under consideration. The noble Lord's words were:—

> "Sir, a great deal has been said with respect to the number of Bishops in Ireland, as compared with the number of Bishops in England. I do not consider that, however, to be quite a fair mode of making the comparison, because the duties of the Bishops in Ireland does not depend wholly on the number of Souls in their Dioceses, but on the space over which those duties are to be exercised: the duty of a Bishop requiring the regular visitation of the differentparts of his diocese."*

So that Lord Althorp admitted, that the consideration of space ought to be one of the elements of the question. Now what is the scheme with which I have been finding fault? My object is to show you, that even taking your own plan of supporting the Church, even with the scanty pittance which you dole out to its ministers, you can have no surplus. I shall take the dioceses of Cashel and Tuam, comprising very nearly one half of Ireland, for those dioceses contain nearly 10,000,000 statute acres, and include the counties of Tipperary, Limerick, Kilkenny, Waterford, Cork, Kerry, Galway, Clare, Roscommon, Mayo, King's County, Queen's County, and Sligo. In these two dioceses, by your plan there will be only eleven livings exceeding 300*l*. a-year, and which must be under 400*l*. a-year. What hopes of advancement can be held out to the clergy, when for one-half of Ireland there will be only eleven benefices exceeding 300*l*. per annum? In the diocese of Cashel there are 469 benefices; in Tuam only 103; making a total of 572 benefices; and in the two dioceses there are 423 churches. Now out of the 572 benefices, by this Bill of his Majesty's Government, 489 can in no case exceed the value of 200*l.* per annum, and may be only worth 100*l.* I have, however, that confidence in the noble Lord opposite that I do not believe, while he holds the office of Secretary for Ireland, that he will ever hesitate to use the power he will possess, to raise the 100*l.* livings to 200*l.* per annum. Thus, then, out of the 572 benefices, the prizes are to be eleven livings varying from 300*l.* to 400*l.* per annum. I know that the number of Protestants in these districts is small, and that Roman Catholics have the preponderance; but still I never shall believe that it can be for the interest of the Established Church, that for one-half of Ireland there should be allotted only 100*l.* a-year for each of 489 livings. I share, in common with the noble Lord opposite, all the revolting feelings he so strongly manifested when he stated the other night how painful it was to discuss what ought to be the lowest stipend of a minister of the Church. If this were *res integra*—if this were an allotment out of the Consolidated Fund, there might be something in the proposition; but this is an allotment to be made to the clergy out of property which is their own. I am as ready as the noble Lord to say, "prohibit sinecures, abolish pluralities, curtail superfluities;" but when it is said, that there exists a necessity for limiting stipends to 200*l.* a-year, I really must ask from what cause does that necessity arise? Is it a necessity created by engagements into which the Government has entered? Is it entailed by the obligation imposed upon them of finding a surplus revenue? or is it a necessity produced by a provident view to the wants and interest of the Church? 200*l.* per annum for a minister of the Church? Is that the great inducement to be held out to the ordained servants of that Church? Look to the inducements held out to members of other professions: take, for instance, the Poor-law Commissioners, the Assistant-Commissioners, the Commissioners for Consolidating the Criminal Laws, with the grants to them of 5,000*l.* and 10,000*l.* per annum. Do I mean to say that this remuneration has been too great for the Gentlemen forming these bodies?—Certainly not; but I call upon the House to maintain at least some decent proportion in dealing with members of a profession, of at least equal respectability. If it be desired to degrade the Church—to banish from it men of educated and enlightened minds, able to defend the doctrines they inculcate—if it be wished to expel such men from the service of the Church;—tell them at once, that they must expect nothing but the mere means of daily subsistence, and that they must abandon all thoughts of independence of character—and your object will then be understood; but if it be intended that the minister of religion should be enabled, not only to exist himself, but able, as he ought to be, to relieve the wants of the distressed and wretched—consider not his interests, but the interests of charity and of religion; and allot to him, at least, a decent stipend, and give him some hopes of, at least, moderate advancement. There are many men who now hear me, possessed of ample fortunes, acquired by their own industry—there are others enjoying property, which has been gained for them, and handed down to them by their fathers;—to these I would say, "You know what a stipend of 200*l.* would be to a clergyman with a large family—a man who has to pay 20*l.* on receiving his appointment to a living; do not grudge an increase to him—if you will not grant it for the sake of the individual, at least do so for the sake of religion." Compare his position with that of the member of any other profession—of the bar, the army, or as connected with commerce. Remember, not only to what, by this Bill, he is limited, but also that which he is ever precluded from attaining. Let hon. Members compare the position of the Irish clergy, with that of the messengers of this House. In the early part of the session, the hon. and learned Member for Kilkenny put a notice on the books, of which I certainly have since heard nothing, that he would move a special instruction to the Committee, on the fees and salaries of the messengers and door-keepers, to provide for the vested interests of those officers during their lives. Here is an acknowledgment of the necessity of providing, for important offices, men of respectability. God forbid! that I should throw any disparagement upon any situation; but even in these days of apology, I will offer none to these officers, whose interest are thus watched over, for saying that I do not think them superior to the ministers of the Established Church of Ireland.

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* Hansard (Third Series) vol. xv. p. 573.

Neither shall I shock their feelings by saying that all situations are not equal. From the Report of the Committee, however, it appears that there are three door-keepers, and one of them, Mr. Pratt, returns that he has received, annually, on an average of the seven years 1829 to 1835, the sum of 1,060*l.* The Committee, however, are of opinion that his income might be fairly taken at 911*l.*, and they recommend that he may be allowed that sum in lieu of all perquisites. The Select Committee, in 1835, recommended that the salary of the head door-keeper should be 500*l.*; but the last Committee recommends that in any future appointment to those offices, after Mr. Pratt and Mr. Williams shall retire, the salaries of the door-keepers, be 400*l.* each. The Report concludes thus:—

> "Your Committee having consulted Sir William Gossett, the Serjeant-at-Arms, respecting his department, agree in opinion with the Committee of 1835, that the future establishment should consist of two door-keepers, as already recommended; of one head messenger to be designated "Assistant to the Serjeant-at-Arms," with an annual income of 425*l.*; of four messengers at 300*l.* each; of two messengers at 200*l.* each; of four extra messengers at 105*l.* each, increasing to 120*l.* after ten years' service, with discretionary power in the Serjeant-at-Arms, to employ, on any emergency, according to the recommendation of that Committee, an extra door-keeper and such temporary messengers, at weekly wages, as may be wanted during the temporary pressure of business."

Such is the amount of remuneration which the House of Commons thinks just and reasonable for the purpose of securing the services, in places of trust, of respectable men. This scale of remuneration is not, in this instance, thought extravagant. Now what is expected from the Irish clergy? The noble Secretary for Ireland last night said, that he hoped ever to see the clergy of that country, now, as well educated, able, enlightened, learned, amiable, and men of refined manners. If they enforce the law, when unhappily they are driven to do so, with what vigilance are they watched! The utmost courtesy is expected from them,—the qualifications of angels are required in them,—the long-suffering and forbearance of martyrs;—and is it, then, too much to ask the House to allot to men, in whom all these qualifications are expected, half the amount of stipend which is considered necessary for the salaries of the door-keepers of the House of Commons? I have already trespassed so long upon the attention of the House, that I should feel inclined to pass by the speech of the hon. and learned Member for Tipperary, did not that speech,—eloquent as it unquestionably was—prove that the question now under discussion is not—whether 50,000*l.* shall be allotted out of the revenues of the Church for purposes of education? On the contrary, the question, according to the views of the hon. and learned Gentleman, is neither more nor less than this,—shall the established religion of Ireland be Protestant or Roman Catholic? If it be not so, why did the hon. and learned Gentleman refer to the example of Scotland? Why did he say that Scotland, having banished episcopacy, has assumed the aspect of a flourishing country? Why did he say, that agriculture is creeping up her mountains,—that commerce has filled her coffers since she has relieved herself of episcopacy,—if he did not anticipate that the same results would follow a similar course on the part of Ireland? The hon. and learned Gentleman has called upon the House to settle the question of tithes, by passing the Bill introduced by his Majesty's Government. What guarantee, however, has he afforded that this Bill will be a settlement? The arguments by which the hon. and learned Member has supported the measure, are fatal to the proposition itself. It would be acting with perfect consistency if, after the passing of this Bill, the hon. Member for St. Alban's should move to reduce the number of Bishops to four, and the hon. and learned Member for Tipperary were to say, that the Roman Catholic religion was entitled to be established in Ireland. On these grounds I distrust the assurances of the hon. and learned Gentleman, that this measure will prove a settlement of the question. I always listen to the hon. and learned Gentleman with the greatest attention, and I much admire his powers of imagination; but I must say—and I do so with all respect—that I distrust his sagacity as a prophet. The hon. and learned Gentleman says, "settle this question now, and all will be peace in Ireland." The hon. and learned Gentleman, long ago, said—"settle the Roman Catholic question, and all will be peace in Ireland." The two measures, it is true, rest on perfectly different grounds—the one was a definite measure, for the restoration of civil equality, and the abolition of every disability affecting the Roman Catholic subjects of the realm. The other, that now before the House, contains nothing definite, and there are, according to the supporters of the plan, many other questions left, of which a satisfactory settlement will, in due time, be demanded. With respect to the definite and "final" measure of Catholic relief, this was the language of the hon. and learned Gentleman, himself, in 1825? The hon. and learned Gentleman was asked:—

> "Do you think, in case the general question of Catholic Emancipation were settled by Parliament, there would be a power existing in any individual to get public assemblies together, and to create a combined operation in Ireland?"

He answered,—

> "I am convinced that it would not be in the power of any man, no matter however great his influence might be, to draw large convocations of men together in Ireland; nothing but the sense of individual injury produces these great and systematic gatherings, through the medium of which so much passion and so much inflammatory matter is conveyed through the country."

Such was the prophecy made by the hon. and learned Gentleman well acquainted with the character and feelings of his countrymen; that prophecy has not been fulfilled, and therefore I now distrust the hon. and learned Gentleman in his character as a prophet. Let me, however, beg of the House to observe these remarkable words. On the same occasion, to which I have just referred, the hon. and learned Gentleman proceeded to say:—

> "Whenever any mention is made in a Roman Catholic assembly of the evils of that measure, it is made for the purposes of rhetorical excitement, and not with any serious view, on the part of the speaker, to disturb that which, in my humble judgment, is perfectly indissoluble. In answer to the question, I beg to add this; that I am perfectly convinced that neither upon tithes, nor the Union, nor any other political subject, could the people of Ireland be powerfully and permanently excited. At present, individuals feel themselves aggrieved by the law, and it is not so much from public sentiment, as from a sense of individual injustice, that they are marshalled and combined together."

The hon. and learned Gentleman may probably find it difficult to afford a solitary instance of the verification of this prophecy. I can, however, find an instance to the contrary, and that instance is the hon. and learned Member for Tipperary himself, This is the more striking, as the hon. and learned Gentleman declared to the Committee, that at least he could answer for himself, that if he had a fair chance of rising in the profession for which he had endeavoured to qualify himself—if the exasperating impediments to advancement in that profession which grew out of his religious creed were removed,—he should give himself no further concern about politics; but should devote himself exclusively to his professional avocations. I hope the hon. and learned Gentleman, after this failure, and his prophecy of last night, will endeavour to lay some better claim to the character of a prophet, and will forbear from exerting, in agitation, the great talents he unquestionably possesses. I do not know that there is any other speech to which I need advert, except that of the hon. Member for Waterford, who complains that out of a revenue of 760,000*l.*, an allotment for the purposes of education, 50,000*l.* is refused. Can the hon. Member guarantee that there exists a revenue of 760,000*l.*? If he can, *cadit questio,* and I shall be perfectly content. If any one can show that out of tithes, after the deductions contemplated by this Bill, there will be a revenue, not of 760,000*l.*, but even of 400,000*l.*, I will admit Ireland to be in a much better condition than I have supposed. I have now stated the reasons for which I have supported the Bill, which has been proposed on this side of the House, and opposed that which has been brought forward by his Majesty's Government. Why is it that the hon. and learned Member for Tipperary, with his strong feelings against an Establishment, is able to consent to the Bill of his Majesty's Government? How is this mystery to be unravelled, when the hon. and learned Member holds that an Establishment for the minority is fatal to the peace, tranquillity, and happiness of Ireland? With these sentiments, how is it that the hon. and learned Gentleman can give his support to the Bill? The supporters of the measure submitted from this side of the House, profess a readiness to cure abuses, to reduce superfluities, to abolish pluralities, and destroy sinecures; they do not want to make the Church Establishment a source of political influence, they contend for an equal distribution of its preferments. Do I believe that the hon. and learned Member for Tipperary expects to gain anything by the allotment of 50,000*l.* a year, out of the revenues of the Church? No; I believe that the hon.

and learned Member gives his consent to this Bill because he, a Roman Catholic, is convinced that, coupled with this allotment and a reduction of income, there is involved in the measure a principle which, once admitted, will be fatal to the independent character, and the very existence of the Protestant Church. Take away the glebes from the Church, enable the Crown to dispose of them, to re-allot them, and will not that alter the whole character of the Church Establishment? And will it not, instead of being an independent corporation, possessed of its own property, become, and be placed on the footing of, a mere stipendiary Church? Is this desirable? Is it politic? For what object is it that the dignity of rector is to be abolished, and that future incumbents are to be mere vicars, removable at the will of the Privy Council? Is this in accordance with Lord Althorp's views, who thought that even the Church Commissioners should be independent of the Government? A portion of the security of the Church rests, not merely on its possession of its own lands, but upon its self-government. I repeat, that this Bill would alter the Church from an independent corporation to a mere stipendiary Church, and would shake its very existence. I have very carefully looked through the whole of the Bill, and, in my opinion, the least prejudicial part of it is that which takes from its revenues the sum stated. The great evil of the Bill is to be found in the provisions which divest the Church of its property, which change its character, and destroy its independence. The noble Lord opposite has justly stated, that between the views of two conflicting parties on this question, the good sense of the people of England must be the arbiter. In that I fully concur. It must be left to the people of England to determine whether I and those with whom I act are or are not warranted in refusing to be parties to the Bill of the noble Lord. I do not hesitate to say that I view the condition of the Church of Ireland with the deepest regret and anxiety—that so far from rejoicing in the application of force, or the execution of process for the payment of dues, I declare, before God, my object would be to cause a cessation of all religious discords, to put an end to all religious distinctions, and to obliterate for ever all former animosities. Such, of all others, are the objects I would most cordially cherish; but, at the same time, believing the Church Establishment in Ireland to be perfectly consistent with the political rights of my Roman Catholic fellow-countrymen—believing it to imply no degradation to them—conceiving that Establishment to be essential to the best interests of religion, and conducive to the permanent happiness of the empire,—I cannot consent, unless convinced by reasoning, to the introduction of a principle, which, I believe, will be fatal to both. I wish to see an amicable arrangement of the question effected; and it would be a most ungrateful return for the Church of Ireland to make to the people of England, who have shown such a generous sympathy in her behalf, if her members were to manifest a less anxious desire to expedite that settlement. If the people believe that I, and those with whom I am associated, have, in our opposition, any sinister object in view, or any wish to protect abuses for political purposes, they will decide against us, and ultimately overthrow us; but I trust the people of England will not expect from us, that if we are not satisfied by fair argument, that the measure of the Government is essential to the interests of religion, but on the contrary, if we believe it is necessary for the interests of religion, that the Protestant minister should be enabled to support his family in decent competence,—then, Sir, I am sure, the people of England will not expect from us, that we should betray our duty to the Church, by pretending to be convinced by arguments, the transparent fallacy of which we have exposed,—or by calculations, the glaring inaccuracies of which we have demonstrated. On the contrary, remembering that penal laws, and civil disabilities have ceased—believing that the progress of knowledge will ensure adherents to the pure doctrines of our Church—relying upon the justice of our case—we shall firmly refuse to cut off fr that Church its means of usefulness—to reduce its ministers to a state of stipendiary dependence on a department of the Government;—and we will not consent to strike a blow fatal to the interests of civil liberty, and of true religion, by destroying the independence of the Establishment, and by degrading the character of its ministers.

The *Chancellor of the Exchequer:* I am very unwilling to take up the time of the House; but some of the statements of the right hon. Baronet have been so entirely beside the question, that unless some notice be taken of them, they may produce a most erroneous and unjust impression. Was it worthy of the right hon. Baronet—was it worthy of the cause he supports—was it worthy of any great or generous principle —to draw a comparison between the incomes of the clergy and the salaries paid to the door-keepers of this House? If the right hon. Baronet's argument deduced from that comparison be sound, what becomes of the Bill of his noble Friend, the Member for North Lancashire? Why has not such a test been applied to the Church Temporalities Bill and to other measures? Remuneration ought always to be proportionate to the duty done. If it were proved that nothing was done, it appears to me to be impossible to escape from the conclusion that no remuneration should be given. If but little were done, then the remuneration ought to be small. The argument of the right hon. Baronet, drawn from a comparison between the salaries of the door-keepers and the incomes of the Protestant clergy, would go to show that the Consolidated Fund ought to be poured out for the purpose of increasing the latter. The argument of proportion, if it be good for any thing applies as well to that which now exists, where the income is less than that which the noble Lord opposite has stated ought to be the *minimum*, as it would do to any state of things that may occur after this Bill shall have been passed. Notwithstanding, then, the lateness of the hour, I wish to refer to a few of the observations which have been made by the right hon. Baronet, the Member for Tamworth. The reply to many of those observations I should have deemed it better to leave to the individuals to whom they directly apply, except that throughout the whole of the debate on this question, no opinion has been expressed by any Gentleman generally favourable to the Government, which it has not been attempted by hon. Gentlemen opposite to fix upon Ministers, as an opinion for which they were responsible. Ministers are no doubt responsible, and ought to be held responsible for their own expressed opinions and for their own measures; but even if, upon the present occasion, they are to be held responsible for the arguments used by some of their usual supporters in the course of the debate, I must be allowed to say, that the construction put upon many of those arguments by the right hon. Gentlemen opposite was not fair. Take, for an instance, what was said with respect to the arguments used by the hon. and learned Member for Kilkenny. It is perfectly true that that hon. and learned Gentleman declared his opinion to be in favour of that from which I entirely and unequivocally dissent —namely, the voluntary principle. But at the same time that the hon. and learned Gentleman made that declaration, he said:—

> "I know that that is an opinion which will not receive the support of the House; and, therefore, not being able at the present moment to advocate it with a prospect of success, I will take this measure, which, though it be not exactly all that I could wish, is still calculated to improve the present state of things in Ireland."

I now come to some of the more serious misrepresentations which have been made by the right hon. Baronet, and which interest me the more deeply because they relate to my noble Friends who sit near me. I do not understand, that my noble Friend, the Secretary of State, has, on this occasion, laid down or announced any new doctrine, in respect of Church property in Ireland. I do not understand my noble Friend to have stated any thing on this occasion different to what he stated on the 13th of July, 1832, when he expressed himself on the subject of Church property in Ireland in these terms:—

> "He thought that the Protestant Church of Ireland was too large, not only for the purpose of giving instruction to that part of the population of Ireland which professed the Protestant faith, but he thought it too large for its own permanent stability. Therefore, whenever the question might arise in its proper day and at its appointed time, he should be ready to maintain the views which he had formerly expressed. It was certainly the opinion which he had always held, that it was the duty of the Legislature to provide for the religious and moral instruction of the people of Ireland in a way that had never yet been done. What was intended by our ancestors in the establishment of the Church of Ireland for religious and moral purposes had not answered that end, and as the Legislature had now to consider anew in what way that end might best be attained, it was bound to respect (as he believed every Member of that House was ready to respect) the right of those who had existing interest in the present arrangements. Preserving to the Church those rights of property which it justly claimed, the Legislature might provide for its future welfare, at the same time that it would deliver the people of Ireland from the state of ignorance in which they were proved to be by the daily accounts from the newspapers, or from other sources of information. To that ignorance he attributed all the evils by which Ireland was afflicted, and until effectual measures were

taken to educate the people, it was vain to legislate for the preservation of property or for the maintenance of peace, good order, and tranquillity in that country."*

If I had wished for an announcement of the Bill now upon the Table of the House, I could not have had it more clearly or more distinctly made than it is in that statement of my noble Friend. The authority of Lord Spencer also has been appealed to by the hon. Gentleman opposite, as adverse to the present measure. On the 2nd of June, 1834, Lord Spencer, speaking upon this subject, expressed himself thus:—

> "Church property was trust property, and if the amount of it were greater than was necessary for the accomplishment of the objects of the trust—if it were greatly greater than was required for the maintenance of the Established Church for the benefit of Ireland, so far from injuring the religious interests of that Church—so far from injuring the religious interests of the Protestants, he thought that to apply a part of the revenues to the religious and moral education of the people would tend much to promote the prosperity of the Protestant Church."*

These were the declarations made by the two noble Lords, to whose opinions such repeated reference has been made in the course of this night's debate. The first declaration, the one made by my noble Friend, the Secretary of State, was made when the noble Lord, the Member for North Lancashire, was sitting by his side, and acting with him in the government of the country. The second declaration, that of Earl Spencer, was made after that noble Lord had separated himself from his former colleagues. These things are material in themselves, but they become much more so from the words employed by the right hon. Baronet, the Member for Tamworth, in the course of his speech of this evening. I wish, indeed, that those words had been put forward by the right hon. Baronet a little more distinctly, because I should then have had it in my power more closely to grapple with them. But when the right hon. Baronet speaks of the new doctrines and of the possible new lights which the Government may have been compelled to adopt, I am rejoiced to have the opportunity of meeting him upon the point; and I tell the right hon. Baronet, and I tell the House and the public, that the Government have not been compelled to take any forced step—that we have not been driven into the making of any arrangements;—and I say further, that a falser, more malicious, or more calumnious charge, than that which attributes to us any kind of restraint—other than that which we owe to our conscience, our Monarch, and our country,—never was preferred by any party or set of men against the members of any Administration which ever has been intrusted with the government of the affairs of the British empire. I deny the charge with indignation;—it is untrue—it is a disgraceful calumny. I have now answered the observations which had reference to the speech made by my noble Friend, the Secretary of State, in 1832, and by Lord Spencer in 1834. I come, Sir, to another point. It has been said, and possibly there are many hon. Gentlemen about to vote on this question, who honestly believe, that this very Bill embodies a compromise of principle, which has purchased for the Government the support of many Irish Members. My noble Friend opposite does not believe that to be the fact. My noble Friend knows that the principle of appropriating some of the property of the Church in Ireland, for the purpose of instructing the people of that country, was a principle conceded and ready to be acted upon at the time when we were associates in the Government, and when he evinced the strongest animosity to the persons with whom he was then acting. A Bill, involving the principle of a surplus of Church property in Ireland, and the appropriation of that surplus to purposes of education, was in print for the use of the Government previous to the dissolution of Lord Melbourne's first Administration. Such a Bill was prepared and positively in print at the time when the very individuals, on whose account the present concession is supposed to be made, were opposed to the Government. This fact is material; because I know that there is a spirit amongst Englishmen of every class, and of every description—a spirit which exists alike on both sides of the House—which should induce them to look with contempt and scorn on any Government composed of men who could be compelled by any consideration on earth to take a course which they did not in their hearts honestly believe to be the right one. I have shown, that my noble Friend, the Secretary of State, professes no new principle on the present occasion. The very preamble of the present Bill involves the principle which the right hon. Baronet, the Member for Tamworth, assumed to have been thrown over by my noble Friend. The Bill assumes, that the performance of spiritual duties, to an extent adequate to the wants of the Protestant population in Ireland, ought to constitute the first charge upon this property. If I did not believe that, after all those wants were provided for, there would remain a considerable surplus,—I should not, for any consideration under Heaven, give my consent to the appropriation of a single farthing of it to other than Church purposes. But I do believe, that there will be a considerable surplus, and with that belief firmly impressed upon my mind, I contend that I have a right to deal with it. And I contend further, that it is for the interest of the Church itself, that I should deal with it in the manner proposed in the present Bill. At this late hour of the night, and more especially when I anticipate that we shall have the opportunity of discussing the Bill in its future stages,—I do not feel myself justified in trespassing at much greater length upon the patience of the House. When the dial tells us that it is now past two o'clock in the morning, it would be unwarrantable in me to follow the right hon. Baronet through the statement of figures into which he has entered. The right hon. Baronet said, however, that he differed from the noble Lord, the Secretary of State, in some of the calculations which have been made, and upon which many of the provisions of the Bill depend. I must be allowed to differ from the right hon. Baronet in turn. The right hon. Baronet stated the present available income of the clergy at only 70,000*l.* a-year. What is the fact? By a return made by the Revenue Commissioners in the present Session, it appears that the value of glebe lands alone amounts to 73,000*l.* a-year. — [Sir *Robert Peel:* You include the Bishops' lands.] No; of glebe lands alone. The value of glebe lands alone, therefore, exceeds the calculations made by the right hon. Baronet. With respect to the Church territory, my noble Friend, the Secretary of State, took it upon the estimate of the noble Lord, the Member for North Lancashire, at 10,000*l.* This was considerably under the mark; but my noble Friend took it upon the noble Lord's own showing, and argued this point upon the supposition that that showing was correct. But I shall not dwell longer upon these statements of figures. The right hon. Baronet, the Member for Tamworth, referred to the averments made by several Irish Gentlemen, and particularly by the hon. and learned Member for Tipperary, who is not now in his place, as to the prophecies that were made of the tranquillity which was to ensue upon the passing of the Roman Catholic Relief Bill. Does the right hon. Baronet remember that those prophecies were made in the year 1825? Does he not know, that if the policy of Lord Liverpool's Government had not been opposed to a measure which many of the Members of the Cabinet at that time believed ought to be carried—does he not know, that if the policy of that Government had not opposed the passing of the measure of Catholic relief at that time, the predictions hazarded in 1825 might have been fulfilled? The right hon. Baronet, then, has no just ground on which to taunt the hon. and learned Member for Tipperary, and other Gentlemen from Ireland, with being false prophets. But have there been no other political prophets? If unverified prophecies are to be made matters of taunt, do we not all recollect the memorable day when the Reform Bill was carried, and when guns in honour of the event were fired within hearing of the House. Do not hon. Gentlemen remember that they were then told, that the next time those guns were fired they would be shotted? That prophecy probably was made, too, by one whose ears could distinguish between shotted guns, and those which were loaded only with blank cartridge, as well as any man in the country. I shall not taunt that hon. Gentleman with being a false prophet; but a mistaken prophecy, made in the year 1825, is no reason for our opposing the present measure. Let the House consider the manner in which the question has been debated. On a former occasion, the noble Lord, the Member for Lancashire, stood forth as an opponent of the Government upon it. On the present occasion he does the same. What is the meaning of all this? What is the meaning of the amendment which the noble Lord has moved? Why, instead of offering this description of opposition to the Government Bill, does not the noble Lord, in a straight forward and manly manner, move for leave to introduce his own Bill? Let the two Bills be laid upon the Table of the House, and let the House judge between them. I will yet hope that the noble Lord will adopt this course. Let him move for leave to bring it in on Monday. Government will not deprive him of the opportunity of doing so. But no; it is not the introduction of his Bill that the noble Lord desires. His real object is, by an indirect means, to dispose of the question altogether. It is very convenient for those who do not like to grapple with the principle of the measure, to assist the noble Lord in making a diversion by which it may be virtually, but not directly, overthrown. The course adopted on the present occasion induces me to think that there are many more Gentlemen in the Opposition, who are ready to support an indirect, rather than a direct resistance to a measure of this description. The right hon. Baronet, the Member for Cumberland, stated, that the House was spell-bound upon this question. I believe it will be found that the people of England are spell-bound upon it also, I believe that the cry of "the Church in danger," which it has been attempted to raise will have a beneficial effect upon the country, if the measure of the Government be such as it has been represented to be. If we dared to overthrow the Protestant Church in Ireland—if we dared to leave the Protestants in that country without adequate religious instruction—I believe that there would be, as there ought to be, throughout the whole of England, one general feeling that would induce the people not to acquiesce in the measure. But when it is proposed to sustain Protestantism in Ireland—to maintain the ministers of the Protestant Church—to pay them proportionably to the duty which they have to perform, and to apply the surplus of Church property, when these objects shall have been fully and adequately provided for, to the moral and religious instruction of the people, I, for one, am not afraid of the decision at which the people of England will arrive upon the question. I feel that common sense and common justice are with us, and, therefore, I believe that the people of England will support us. On former occasions, as well as on the present, our opponents have been afraid to meet us in front; and why? Because the Resolution of the House of Commons upon the subject of Church property in Ireland, stands recorded upon our Journals. The present House of Commons determined that the surplus of Church property should be applied to purposes of moral and religious instruction. What has occurred since to induce the House to desert its own Resolution—to abandon the opinion it formerly expressed? But it would seem, from the statement of the hon. Gentleman opposite, that the Resolution was originally proposed for party purposes. It was moved for no party purposes, but with the view of improving the condition of the Church. Was it for party purposes that we originally moved the Resolution—party purposes meaning the turning out of office of the right hon. Baronet, the Member for Tamworth? Was it for party purposes that we issued the Church Commission, when we ourselves were in office, and when we stated distinctly, on issuing the Commission, that our object was to come to a fair and equitable adjustment of this very question of appropriation? Could it be with a party or a personal object that we undertook the responsibility of sending out that Commission, pledging the government—Lord Althorp in one House, and Lord Grey in the other—that the Church Commission should be acted upon, *bona fide*, when the return was made. In introducing the present measure, therefore, the Government are only fulfilling what they have long promised. The right hon. Baronet has fallen a victim to the opinions which he professed upon the subject, and the present Government has risen by the support which the House has given us in the views which we took with respect to it. Under these circumstances we should have been disgraced if we had deserted or flinched from our opinions. We have not done so. We have maintained our position, and are determined to adhere to it, not as the noble Lord opposite assumes,—from false pride or false shame—but from principle, and because we think it right; and I, as an Irishman and a Churchman, tell the noble Lord, that my motive for thinking it right is because, as an Irishman, I believe it will give tranquillity to my country—and as a Churchman, that it will give security to the Establishment. Gentlemen who differ from me upon this point have no right to suppose that I have a less regard than others for the welfare of a country on which my dearest affections are placed. I never doubt the sincerity of those who differ from me upon the subject of the Church in Ireland; but as they are ever ready to give their testimony to the opposite doctrine, I beg on this occasion to be taken as a witness myself, and as an Irish proprietor I undertake to say, that we can have no peace, no repose, no safety to the Church in Ireland, whilst this question is left unsettled. Is it worth while to fight for 50,000*l.* a-year? If the concession of 50,000*l.* a-year will give, as I believe it will, tranquillity to the country and peace to the

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* Hansard (Third Series) vol. xiv. p. 377.

† Ibid. (Third Series) vol. xxiv. p. 15.

Church, I, for one, shall feel disposed to rejoice that the sum is so small, rather than quarrel with it for not being larger. The present Bill is a recognition of the principle, not of spoliation, but of preservation. It is a principle which tells the people of both parties that their interests have been considered and regarded; therefore I entreat the House to preclude the necessity of violence—to save the Irish Church—to save itself from the perpetual revival of these painful discussions. Every moment of delay augments the difficulty of a final and satisfactory settlement. The appropriation clause is quarrelled with now, and yet former Bills, without the appropriation clause, have been equally objected to. What the future may be, I shall not pretend to prophesy; but, judging from the past, we at least know, that every year that has been allowed to elapse has tended to make the difficulty of a satisfactory settlement of the question still greater.

The House divided, on the original motion: Ayes 300; Noes 261—Majority 39.

List of the Ayes.

Acheson, Visct.
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Andover, Visct.
Angerstein, J.
Anson, hon. Colonel
Anson, Sir G.
Astley, Sir J.
Attwood, T.
Bagshaw, J.
Bainbridge, E. T.
Baines, E.
Baldwin, Dr.
Ball, N.
Bannerman, A.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beauclerk, Major
Bellew, R. M.
Bellew, Sir P.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Biddulph, R.
Bish, T,
Blackburne, J.
Blake, M. J.
Blamire, W.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Buller, C.
Buller, E.
Bulwer, H. L.
Bulwer, E. L.
Burton, H.
Butler, hon. P.
Buxton, T. F.
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, L.
Chetwynd, Capt.
Chichester, J. P.
Childers, J. W.
Churchill, Lord C.
Clay, W.
Clements, Lord
Clive, E. B.
Cockerell, Sir C.
Codrington, Admiral
Colborne, N. W. R.
Collier, J.
Conyngham, Lord A.
Cookes, T. H.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Crawley, S.
Crompton, S.
Curteis, H. B.
Curteis, E. B.
Dalmeny, Lord
Denison, W. J.
Denison, J. E.
D'Eyncourt, right hon. C. T.
Divett, E.
Donkin, Sir R.
Duncombe, T.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Ebrington, Lord
Edwards, J.
Elphinstone, H.
Etwall, R.
Euston, Earl of
Evans, G.
Ewart, W.
Fazakerley, J. N.
Fellowes, hon. N.
Fergus, J.
Ferguson, Sir R.
Ferguson, R.
Fergusson, rt. hn. R. C.
Fielden, J.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Fitzsimon, C.
Fitzsimon, N.
Folkes, Sir W.
Fort, J.
French, F.
Gaskell, D.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Grattan, J.
Grattan, H.
Grey, Sir G.
Grey, hon. Col.
Grosvenor, Lord R.
Grote, G.
Guest, J. J.
Hall, B.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Heathcoat, J.
Heneage, E.
Heron, Sir R.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodges, T. T.
Holland, E.
Horsman, E.
Howard, R.
Howard, hon. E.
Howard, P. H.
Howick, Lord
Hume, J.
Hurst, R. H.
Hutt, W.
Jephson, C. D. O.
Jervis, J.
Johnston, A.
Kemp, T. R.
King, E. B.
Knox, hon. J. J.
Labouchere, rt. hn. H.
Lambton, H.
Langton, W. G.
Leader, J. T.
Lee, J. L.
Lefevre, C. S.
Lennard, T. B.
Lister, E. C.
Loch, J.
Long, W.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Mackenzie, S.
M'Leod, R.
M'Namara, Major
M'Taggart, J.
Maher, J.
Mangles, J.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Maule, hon. F.
Methuen, P.
Molesworth, Sir W.
Moreton, hon. A. H.
Morpeth, Lord
Morrison, J.
Mostyn, hon. E.
Mullins, F. W.
Murray, rt. hn. J. A.
Musgrave, Sir R.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor, Don
O'Ferrall, R. M.
O'Loghlen, M.
Oswald, J.
Paget, F.
Palmer, General
Palmerston, Visct.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain

Pelham, hon. C. A.
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Phillipps, C. M.
Ponsonby, hon. W.
Ponsonby, hon. J.
Potter, R.
Poulter, J. S.
Power, J.
Price, Sir R.
Pryme, G.
Pusey, P.
Ramsbottom, J.
Rice, right hon. T. S.
Rippon, C.
Robarts, A. W.
Robinson, G. R.
Roche, W.
Roche, D.
Rolfe, Sir R. M.
Rooper, J. B.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Ruthven, E.
Sanford, E. A.
Scholefield, J.
Scott, J. W.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, R. L.
Simeon, Sir R.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Smith, B.
Stewart, P. M.
Strickland, Sir G.
Strutt, E.
Stuart, Lord D.
Stuart, Lord J.
Stuart, V.
Talbot, C. R. M.

Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thompson, Colonel
Thornely, T.
Tooke, W.
Trelawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Turner, W.
Tynte, J. K.
Verney, Sir H.
Villiers, C. P.
Vivian, Major C.
Vivian, J. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wason, R.
Wemyss, Captain
Westenra, hon. H. R.
Westenra, hon. J. C.
Whalley, Sir S.
White, S.
Wigney, I. N.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Williams, Sir J.
Wilson, H.
Winnington, Sir T.
Winnington, H. J.
Wood, C.
Wood, Alderman
Woulfe, Sergeant
Wrightson, W. B.
Wrottesley, Sir J.
Wyse, T.
Young, G. F.

TELLERS.

Steuart, R.
Stanley, E. J.

List of the NOES.

Agnew, Sir A.
Alford, Lord
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Baring, F.
Baring, H. B.
Baring, W. B.
Baring, T.
Bateson, Sir R.
Beckett, Sir J.
Bell, M.

Bentinck, Lord G.
Beresford, Sir J.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Boldero, H. G.
Bolling, W.
Bonham, R. F.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Brownrigg, S.
Bruce, Lord E.
Brudenell, Lord
Bruen, F. Y.
Buller, Sir J.
Burrell, Sir C.
Calcraft, J. H.

Campbell, Sir H.
Canning, rt. hn. Sir S.
Castlereagh, Lord
Chandos, Marquess of
Chaplin, Colonel
Chichester, A.
Chisholm, A. W.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A.
Cole, Lord
Compton, H. C.
Conolly, E. M.
Cooper, E. J.
Coote, Sir C
Corbett, T. G.
Corry, right hon. H.
Crewe, Sir G.
Cripps, J.
Dalbiac, Sir C.
Damer, G. L. D.
Darlington, Earl of
Dick, Q.
Dottin, A. R.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Elley, Sir J.
Elwes, J. P.
Entwisle, J.
Estcourt, T. G.
Estcourt, T. H.
Fancourt, Major
Fector, J. M.
Feilden, W.
Ferguson, Sir R. A.
Ferguson, G.
Finch, G.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Forster, C. S.
Freshfield, J. W.
Gaskell, J. Milnes
Geary, Sir W.
Gladstone, T.
Gladstone, W. E.
Glynne, Sir S.
Goodricke, Sir F.
Gordon, hon. W.
Gore, O.
Goulburn, rt. hn. H.
Goulburn, Sergeant
Graham, rt. hn. Sir J.
Grant, hon. Colonel
Greene, T.

Gresley, Sir R.
Grimston, Lord
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, J.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawkes, T.
Hay, Sir J.
Hayes, Sir E. S.
Heathcote, G. J.
Henniker, Lord
Herries, rt. hn. J. C.
Hill, Lord A.
Hill, Sir R.
Hogg, J. W.
Hope, H. T.
Hotham, Lord
Hoy, J. B.
Hughes, H.
Jackson, Sergeant
Jermyn, Lord
Ingham, R.
Inglis, Sir R. H.
Johnstone, Sir J.
Johnstone, J. J. H.
Jones, W.
Jones, T.
Irton, S.
Kavanagh, T.
Kearsley, J. H.
Kerrison, Sir E.
Ker, D.
Kirk, P.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Lees, J. F.
Lefroy, A.
Lefroy, right hon. T.
Lemon, Sir C.
Lewis, D.
Lewis, W.
Lincoln, Earl of
Longfield, R.
Lopes, Sir R
Lowther, hon. Col.
Lowther, Lord
Lowther, J. H.
Lucas, E.
Lushington, rt. hn. S.
Lygon, hon. Colonel
Mackinnon, W. A.
Maclean, D.
Mahon, Lord
Manners, Lord C. S.
Marsland, T.
Mathew, G. B.
Maunsell, T. P.

Maxwell, H.
Meynell, Captain
Miles, W.
Miles, P. J.
Miller, W. H.
Mordaunt, Sir J.
Morgan, C. M. R.
Mosley, Sir O.
Neeld, J.
Neeld, J.
Nicholl, Dr.
Norreys, Lord
North, F.
Owen, H. O.
Packe, C. W.
Parker, M.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Peel, right hon. W. Y.
Pelham, J. C.
Pemberton, T.
Penruddocke, J. H.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Plunket, hon. R. E.
Polhill, F.
Pollen, Sir J. W.
Pollington, Lord
Pollock, Sir F.
Powell, Colonel
Praed, J. B.
Praed, W. M.
Price, S. G.
Price, R.
Rae, right hon. Sir W.
Reid, Sir J. R.
Richards, J.
Ross, C.
Rushbrooke, Colonel
Russell, C.
Ryle, J.
Sanderson, R.
Sandon, Lord
Scarlett, hon. R.
Scott, Sir E. D.
Scourfield, W. H.
Sheppard, T.
Sibthorp, Colonel
Smith, A.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Lord
Stewart, Sir M. S.
Stormont, Lord
Sturt, H. C.
Tennent, J. E.
Thomas, Colonel
Thompson, Alderman
Tollemache, hn. A. G.
Trench, Sir F.
Trevor, hon. A.
Trevor, hon. G. R.
Twiss, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vernon, G. H.
Vesey, hon. T.
Vivian, J. E.
Vyvyan, Sir R.
Wall, C. B.
Walpole, Lord
Walter, J.
Welby, G. E.
West, J. B.
Weyland, Major
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Williams, T.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel T.
Wortley, hon. J. S.
Wyndham, W.
Wynn, rt. hn. C. W.
Wynn, Sir W. W.
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Clerk, Sir G.

Paired off—Not-Official.

AYES.	NOES.
Hallyburton, hn. D. G.	Mandeville, Lord
Pryse, P.	Barneby, J.
Martin, T.	O'Neill, General
Kerry, Lord	Smith, T. A.
Tynte, Colonel	Peel, E.
Gully, J.	Smyth, Sir H.
O'Connell, M.	Sinclair, Sir G.
Clayton, Sir W.	Palmer, R.
Sheldon, R.	Clive, Viscount
Speirs, A.	Bruce, C. L. C.
Oliphant, L.	Pringle, A.
Finn, W. F.	Bruen, Colonel
Wilks, J.	Hanmer, Colonel
Williamson, Sir H.	Noel, Sir G.
Tracy, C. H.	Fleetwood, H.
Goring, H. D.	Chapman, A.
Ord, W.	Davenport, J.
Hector, C. J.	Cartwright, W. R.
Humphrey, J.	Houldsworth, T.

HOUSE OF LORDS,

Monday, June 6, 1836.

MINUTES.] Bills. Read a third time:—Consolidated Fund. Read a second time:—Postage Duties.

Petitions presented. By Lords Byron and Prudhoe, from Newcastle-upon-Tyne and Gateshead, for the Better Observance of the Sabbath.—By Lord Fitzgerald and Vesci, from Killy, in favour of the Amendments made by the Lords to the Municipal Corporations Bill (Ireland).

BISHOPRIC OF DURHAM.] The Marquess of *Londonderry*, on presenting a petition against the Bishopric of Durham Bill, expressed a hope, that as the Court of Pleas in that county was to be retained, so would also the Court of Chancery, for the inhabitants of the county were favourable to the retention of that Court, deeming it highly advantageous for the suitors who had occasion to resort to it.

The Marquess of *Lansdowne* moved to discharge the order of the day for receiving the Report of the Bill to which the petition bore reference, on the ground that, as the amendments consequent on the retention of the Court of Pleas required great care and attention, and as the advice of counsel respecting them was needful, he proposed to take the Report into consideration on Friday next. Their Lordships, appeared to acquiesce in the suggestion of the noble and learned Lord for the Court being preserved; and as several petitions had been presented on the subject in favour of that course, the Court in question would not be abolished.

Lord *Lyndhurst* rose for the purpose of offering a few observations as to the propriety of retaining the Court of Chancery also. It was not because he himself had any professional experience respecting that Court, that he now submitted whether it ought to be retained, but he had that morning received a communication from the noble Earl (Lord Eldon) who had so long presided on the Woolsack, who assured him, that the Court of Chancery was very advantageous for the people of that part of the country; and when he mentioned that the noble Earl had himself practised for many years as counsel there, and consequently had ample opportunity of knowing what the opinion of the people was upon the subject—he thought that their Lordships would be inclined to think the Court was beneficial. He would also beg to call the attention of the noble Marquess to the petitions which were now upon the table in favour of the continuation of the Court of Chancery, they being almost as numerous as those in favour of the Court of Pleas. If it were desirable that a portion of the jurisdiction formerly exercised in the county of Durham should be abolished, it was but reasonable to see what ground there was for such a course; for it was not usual for Parliament to act in the way which the Bill proposed, without there was no necessity for the Court to continue, or without showing that justice had been improperly administered. For his own part, as he had stated, he had no personal experience in the matter, but he had never heard that any complaints had been urged against the continuance of the Court alluded to.

The *Lord Chancellor* thought it was not quite fair to represent the object of the Bill to be to abolish the Courts alluded to. Such was not properly the object of the measure, for it was to place the county of Durham, as regarded the legal jurisdiction of the Courts, on the same footing as the other parts of the kingdom. He should, however, feel it his duty, after what had now transpired, to make himself acquainted with the facts of the case, as regarded the Court of Chancery in the county Palatine of Durham.

Lord *Abinger*, from the acquaintance which he possessed of the administration of justice in the Court under discussion, could bear his testimony in favour of it. Men of high legal attainments had presided over it in his day, among whom, were Lord Eldon himself, who was succeeded by Sir Samuel Romilly, and the last learned Gentleman was followed by a Gentleman of high legal attainments—Mr. Williamson. He (Lord Abinger) considered that it was the duty of the Government to listen to the petitions of the people of that part of the kingdom, to whom the existence of the Court was of great importance.

Lord *Lyndhurst* observed, as he had previously stated, that he had no personal knowledge upon the subject, but he had heard no complaints against the Court; and he had that morning received a letter from the noble Earl, to whom he had before made allusion, stating that the Court was very beneficial to the people of that part of the country.

Order of the day discharged.

HOUSE OF COMMONS,

Monday, June 6, 1836.

MINUTES.] Petitions presented. By Mr. EWART, from Liverpool, that Newspapers Containing only Advertisements, and Circulated Gratis, may be Exempt from Duty in the Alteration; and from Retailers of Beer in various Places, that they may be placed on the same Footing as Licensed Victuallers.—By several MEMBERS, from various Places, against Turnpike Trust Consolidation Bill.—By several MEMBERS, from various Places, praying the House to adhere to the Municipal Corporations' Act (Ireland) as originally passed by them.—By Mr. MACKINNON, from the Manufacturers of Carpets, Rugs, &c., Middlesex, for the Prevention of Fraud in their Trade.—By several HON. MEMBERS, from various Places, for the Amendment of the Factories' Act.—By Sir GEORGE STRICKLAND, from Denby, for Revision of the Criminal Code.—By several HON. MEMBERS, from various Places, in favour of Excise Licences' (Ireland) Bill.—By several MEMBERS, from various Places, against Spirits being Allowed to be sold by Grocers (Ireland).—By Mr. CALLAGHAN, from Cork, against the Amendments introduced by the Lords in Municipal Corporations' (Ireland) Bill.—By several MEMBERS, from various Places, for Repeal of the Duty on Newspapers.

TRADE WITH PORTUGAL.] Mr. *Robinson* had given notice last week of his intention to put a question to the noble Secretary for Foreign Affairs relating to the commercial relations between Great Britain and Portugal. His reason for giving that notice was, that after the expiration of the treaty of Rio Janeiro on the 30th of April last, and before any new commercial relations had been entered into with Portugal, the Portuguese Government suddenly, and without notice, notwithstanding the assurance to Lord Howard de Walden, directed duties to be levied of twenty-nine per cent., instead of fifteen per cent., in all the ports of the kingdom with the exception of Lisbon and Oporto. A vessel belonging to some friends of his (Mr. Robinson's) had called off the port Viana, thinking that the cargo would only be chargeable with a duty of fifteen per cent; but, being informed that it had been raised to twenty-nine per cent., it had proceeded to Oporto. This, certainly, was an extraordinary and unfriendly proceeding on the part of Portugal. He begged to ask the noble Viscount, what were the present commercial relations between this country and Portugal, for British merchants were not aware to what duties they were or were not liable?

Viscount *Palmerston* replied, that with regard to the particular case referred to by the hon. Gentleman, although he was not officially informed upon the subject, yet he believed that the additional duty imposed in the port of Viana had been laid on by the local authorities for local purposes, and not in consequence of any order from the Court of Lisbon. At the same time, the treaty having expired, the Portuguese Government was at full liberty to make such changes in the duties as it thought expedient, and such would remain the case until a new treaty had been concluded. If, therefore, the duty had been raised from fifteen per cent. to twenty-nine per cent., by order of the Government, this country could have no just ground of complaint. It was perfectly true that great inconvenience arose from the present uncertainty of our commercial relations with Portugal; but when the hon. Member asked for information, as to the probability of the signature of a new commercial treaty, all he could say in answer was, that negotiations for the purpose were in progress. He could not possibly inform the House what was the precise state of those negotiations. Two or three changes of Administration had occurred in Portugal; it was well known how such changes in this country retarded, or defeated, public business; and, in Portugal, the difficulty was greater than in England. He did not wish to conceal from the House that many persons in Portugal entertained very strong, but utterly unfounded prejudices, in favour of protecting duties, with a view to the fostering of their own particular manufactures. He trusted that these prejudices would not prevail so far as to impede the conclusion of a treaty between the two kingdoms, founded upon principles of just reciprocity and mutual liberality; but he could not too strongly impress upon Members, that if foreigners entertained prejudices on the subject, those prejudices had been sometimes too much encouraged by speeches made in that House upon foreign trade. When the Government of Great Britain urged upon foreign Governments the advantage of unrestricted commerce, subject only to such duties as were necessary for revenue, the answer had now and then been, "This is a very good doctrine for England, which by means of restrictive duties has attained her present enviable prosperity; but we shall pursue the same course of protection and prohibition, and when we have equalled England in prosperity, we will imitate her in liberality." It was in vain to tell such persons, that England had flourished, not by the aid of, but in spite of, protecting duties; and that her progress had been greatly retarded by the vicious system of former times. As long, however, as persons in foreign countries unfortunately found their prejudices supported by language sometimes held in that House on those subjects, the difficulties of Government in persuading other countries to conclude commercial treaties upon liberal principles, would be considerably increased. He could assure the House, that no efforts had been, or should be wanting, to persuade the Government of Portugal to conclude a new treaty of commerce upon principles of just reciprocity; but if Portugal resorted to prohibition, it would remain for this country to consider whether that system should be retaliated on the produce of Portugal, and whether her wines and fruits should be subject to duties of the same description as she imposed on the woollens, cottons, and other manufactures of Great Britain.

Mr. *Robinson* added, that he had not wished to provoke a discussion; he understood the application of the observations of the noble Lord, and on Thursday next he hoped to have an opportunity of answering them. What he complained of was the breach of a positive engagement on the part of Portugal, for he held in his hand the copy of a letter from Lord Howard de Walden, in which due notice of any change in the duties was stated to have been promised by the Government of Lisbon. What had been done at Viana was without notice, and he should like to know what security merchants had for carrying on trade, if municipal bodies in different parts had the power to increase the duties? The noble Lord did not seem to know the facts of the case, or not to understand their application.

Viscount *Palmerston* said, that although he was not officially informed that the duty at Viana had been increased from fifteen per cent. to twenty-nine per cent. by the local authorities, he had good reason to believe that such was the case,

Bury St. Edmund's.] Earl *Jermyn* presented a petition from Bury St. Edmund's, complaining of the appointment of some, and of the non-appointment of other Magistrates for that Borough; and his Lordship entered into a statement upon the subject, no part of which reached the gallery.

Mr. *Scarlett* supported the prayer of the petition, and referred to the case of Norwich, where the Magistrates had been nominated from party and political motives. Those persons in whom the inhabitants had most confidence, from long knowledge, had been left out of the Commission.

Mr. *Roebuck* spoke to order. The hon. and learned Member was debating on a petition.

The *Speaker* decided that such a course was very inexpedient.

Lord *John Russell* having been particularly appealed to by the noble Lord who presented the petition, would either make his statement now or on a future day, to which the debate might be adjourned. It seemed to him rather an extraordinary course to present a petition to the House upon the subject before an appeal had been made to the Secretary of State or to the Lord Chancellor. That was the proper course; and if justice were then refused, an appeal might be made to the House of Commons. He had never heard that any want of Magistrates was felt at Bury St. Edmund's; if any were wanted, he was quite ready to add to the number already appointed. Out of the list presented by the Town-council, he had rejected three persons; the absence of one of those he had nominated might possibly occasion a temporary inconvenience. One person he had named was certainly an attorney, although his practice had been to reject attorneys when a sufficient number of respectable and competent persons could be found without them. This, however, afforded no sufficient reason for resorting to the House in the first instance. The noble Lord had not complained that the persons appointed were not respectable; and if they were not numerous, as he had said before, he was quite willing to appoint others. If the town-councils of the kingdom recommended individuals of liberal principles, he thought it would be some time before the House of Commons entertained that objection, and decided that the parties were, therefore, not eligible. During twenty years that he had sat in the House, he had constantly seen magistrates appointed from party and political motives, but he had never on this account thought it his duty to complain, as long as the individuals were persons of respectable character, and adequate to the administration of justice. Now, indeed, a different rule of conduct seemed to prevail, and a course was taken which he had never ventured to adopt. He knew that the great majority of Magistrates in England and Wales had long been opposed to him in politics, but he did not think that a constitutional objection to their being in the Commission. That party could not now bear to lose any of its power; and although he did not complain of the petition, he thought that the House could not properly entertain the question. It was quite impossible for Parliament to institute an inquiry into the particular political opinions of different individuals; and to say that because this or that man, howver good his character, and however large his fortune, had, at a certain time, voted in favour of certain measures, therefore, he was not a fit person to be placed in the Commission of the Peace—that was a proposition which he never ventured to make when he sat on the opposite side of the House; and he was sure that the noble Lord, after the very fair manner in which he had stated the case of the petitioners, would not altogether venture to assert that doctrine, a doctrine in his (Lord John Russell's) opinion, most injurious to the prerogative of the Crown.

The *Solicitor-General* had the honour of holding the situation of Recorder for the Borough of Bury St. Edmund's, and he regretted that he had not been aware of the intention of the noble Lord to present the petition on this occasion; because, if he had, he would have been in his place when it was first brought forward. He had received from the borough a communication, informing him that a meeting of the inhabitants of that town had been duly convened by the mayor, at which they had come to certain resolutions, which they had requested him, on this petition being presented, to state to the House. It was not necessary for him to state them at length; he would confine himself to stating the substance of them, which was this:—that the inhabitants being duly convened by the mayor, in consequence of a report that such a petition as the one now before the House was about to be presented, met, and came to the conclusion that they did not know that any public meeting of the burgesses had taken place on the subject. [Earl *Jermyn:* It was not pretended to be a public meeting]. Very well; that got over the difficulty as to the reception of the petition; at the same time it materially diminished the weight and importance of it. At the meeting of the inhabitants, several resolutions were come to, the last of which was, "That this meeting fully believe, that those persons whose names are already inserted in the Commission of the Peace, as well as those since recommended by the Town-council to the Crown, are suitable and proper persons to act as justices of the peace for this borough, and that they do not believe that the burgesses have in any instance been deprived of that proper adjudication of their concerns which Parliament has provided for them by legislative enactment."

Earl *Jermyn* hardly knew whether the debate should be adjourned or not. It was very unfortunate that the noble Lord had thrown so much asperity into the debate already, because he (Lord Jermyn) had merely stated the facts that were complained of by the petitioners. He was not himself personally aware of them. In presenting the petition which had been intrusted to him by a considerable portion of his constituents, he had done no more than his duty. There was nothing in the petition which made it at all irregular or improper to present it to the House. He was sorry he had not the opportunity to communicate to the Solicitor-General his intention to present the petition to-day. He did communicate the fact to the noble Lord on Saturday last, and also on Friday. With respect to the counter-resolution, referred to by the Solicitor-General, it did not appear to him that the circumstance of the meeting being held in the absence of the mayor altered the facts of the case as stated in the petition. He thought the hon. and learned Gentleman had given too much importance to the meeting at which those resolutions were passed. With regard to one statement made by the noble Lord, he begged to assure the noble Lord that this was the first time he had ever heard that any communication had been made of a wish on the part of any persons in the borough for the appointment of a gentleman of Conservative principles to the magistracy. He was aware that a wish had been entertained for the appointment of a gentleman who was neutral in politics, but not for any one of Conservative principles.

Lord *John Russell* begged to assure the noble Lord that he found no fault whatever with the course pursued by the noble Lord; on the contrary, the noble Lord had given him fair notice of his intention to present the petition. He complained of those who had signed this petition, and had intrusted it to the noble Lord, for not making correct representations to the noble Lord, of the real state of the facts before he presented it.

Petition to lie on the Table.

REGISTRATION BILL.—HALF-PAY OFFICERS.] Lord John Russell having moved the Order of the Day for the further consideration of the Report of the Registration of Births, &c., Bill,

Sir *Edward Codrington* said, that he was anxious to bring before the House the cases of those officers who had been deprived of their half-pay without a trial, in order that they might be properly investigated. This was the only instance in which British subjects were punished without inquiry and without being heard in their defence, and in which individuals had do endure great indignity and injury, without having any means of redress in their power. The right hon. Baronet opposite had, on a recent occasion, compared the incomes received by the clergy of the Irish Church with those of the doorkeepers of the House. He was willing to admit, that the revenues of the Irish clergy were reduced to a very low ebb, but he did not consider that they had any more reason to complain in that respect than the officers of the navy. The oldest post-captain on the list, and who had held that rank for thirty-five years, was in the receipt of half-pay amounting to no more than 264*l.* a-year. Those of thirty years standing received only 228*l.*, and the others only 191*l.* But officers were not allowed to enjoy even such slender pittances as these in security; they were liable at any moment, without a trial, without being brought face to face with their accusers, or allowed an opportunity of proving their innocence, to be struck off the half-pay list. A commander of fifty years standing was only entitled to a half-pay of 182*l.* 10*s.*, and if promoted to the rank of captain he would never receive more than 191*l.* He hoped, then, that gentlemen opposite, who had dwelt so much on the poverty of the Irish clergy, would be induced from the same motives which actuated them in that case to give their support to his proposition. The noble Lord opposite had appealed to the House of Commons as gentlemen in favour of the Irish clergy, and he (Sir E. Codrington) claimed the same consideration for officers of the navy. Hon. Gentlemen were little aware of what those of that profession underwent; they were exposed to dangers and difficulties to which no other class was liable; even peace brought no repose from exertion; and yet their remuneration was proportionately less than that of any other class of the community. He was not now contending, however, for an augmentation of half-pay, all that he now asked was, that they might not be deprived of the pittance allowed them without any reason being assigned for it. The Secretary of the Admiralty had charged him with a desire to procure these papers from mere motives of curiosity; but the design he had in view was, to give an opportunity to officers to assert their rights. He could not consent that an officer should be swindled out of his commission, as he must affirm had more than once been done. The hon. Gentleman had asked what was to be done to an officer who was proved to have acted in a manner unbecoming the character of a gentleman? Why, such a man's name ought to be erased from the list; but what ground could there be for depriving a deserving officer of his commission? When they demanded a reform of the Pension List, they were told, that the pensions, even of those who had never done anything to deserve them, must be regarded as vested rights; but it appeared that the receipt of half-pay for forty or fifty years was not sufficient to constitute such a right. The right hon. Baronet opposite had said, that if ever he should return to the station he had occupied—that of First Lord of the Admiralty—he would advise the Crown to strike his (Sir E. Codrington's) name off the list, if he did anything unbecoming the character of an officer or a gentleman. The expression used by the right hon. Baronet seemed to imply a doubt whether such a power rested with the Crown only, or might be delegated to the Admiralty. Admiral Vernon had been similarly punished by the Admiralty for writing a pamphlet which gave offence to them, but had been reinstated by the King, after the twelve judges had been consulted. He thought that this case proved, that this prerogative could only be exercised by the Sovereign himself. But he begged to ask the right hon. Baronet what he considered to be conduct unbecoming the character of an officer or a gentleman? If he were to employ his Majesty's ships in the conveyance of building materials for a private residence, he should like to know if that would be so considered. He wished for an answer, that he might know what risk he ran of losing his own commission. He was of opinion that the Admiralty ought not to possess the arbitrary power of ruining an officer, and, even if they did, ought never to exercise it. The hon. and gallant Admiral concluded by moving for returns of the names of all officers, of whatever rank, who had been deprived of their half-pay without their consent or the investigation of a court-martial, from the year 1790 up to the present period, with the alleged reasons for such deprivation; also a return of any persons whose half-pay had been restored to them, subsequently to such deprivation, with the alleged reasons for such restoration.

Lord *John Russell* would not enter into the question raised by his hon. and gallant Friend. The Order of the Day was for proceeding with the Bill for the Registration of Births, Marriages, and Deaths, and if his hon. and gallant Friend, had any motion to bring forward, he thought it necessary for him to show that the House should not entertain that Bill, and that that proposition was of such a peculiar and urgent nature that the Order of the Day should be postponed. He did not mean to advance any argument for or against the motion, but no reason had been given why the House should not now consider the Bill which stood first among the Orders of the Day.

Sir *Edward Codrington* complained, that whenever he brought forward this subject, he was always met by a point of form. He should however take an opportunity of again submitting the motion before going into a Committee of Supply.

Motion withdrawn.

Order of the Day read; and the House went into a Committee to re-consider the Report on the Bill for the Registration of Births.—On the first clause,

Mr. *Goulburn* said, he rose to state his main objection to the Registration Bill, as regarded Births, at that early stage of the discussion, because it was of such a nature as could not, he apprehended, be removed by any verbal alteration of the clauses in the Committee. He owned he had some reluctance to explain that objection to the Committee, because it was one connected with the religious obligations, and advantages which belonged to the Established Church; and he knew, that of all places in which it was possible to state objections of a religious character, perhaps the House of Commons was the least fitted for discussing them. But a strong sense of duty induced him not to permit this measure to pass through the House without pointing out those objections which on the score of religious principles, he believed attached to it. The Bill provided for the Registration of Births in this way, that in the case of every birth, the parent was bound to give notice of that birth, and to state the name of the child at the same time. Now the complaint that he (Mr. Goulburn) made of this arrangement was, that its tendency would be to dissociate the naming of the child from the baptism, and in the case of ignorant persons it would induce them to withhold the inestimable benefit of that rite from their children. It was impossible to conceal from ourselves, that however anxious the Church was, that the humblest of her Members should be fully acquainted with the importance of her Sacraments, there were many among her professing Members, who, from ignorance, did not fully appreciate the benefits which the rite of baptism conferred upon their children, and who were now only led by the temporal consideration of the necessity of giving those children names, to give them the benefit of the ordinance of baptism, because without submitting them to the latter they could not, at the present time, assign to them the former. If the two were dissociated by Act of Parliament, he (Mr. Goulburn) believed it would go far to increase that ignorance which already prevailed too widely on this subject, and apparently to sanction the persuasion that the child once named, the religious ceremony might be omitted. He thought every Member in that House (whether members of the Church of England or not) would sympathize with him as to the importance of not excluding the innocent children of ignorant parents from the inestimable benefits resulting from the rite of baptism: and if the effect of the Bill were such as he had reason to apprehend it would be; viz. that many who were brought to be registered would never afterwards be brought to the baptismal font, he thought they would agree with him in saying that, however great and numerous the advantages of the Bill in other respects might be,—however necessary to procure correct statistical information,—however useful and valuable for legal inquiries—an evil would be caused for which none of these advantages could compensate. When the noble Lord, the Secretary for the Home Department, brought forward a measure upon this subject in 1834, he stated that he forbore to press it, because in his opinion the expense it would entail upon the country was too great, and was a sufficient reason for reconsidering it; all he (Mr. Goulburn) asked of the noble Lord was, that he would give equal consideration to the objection which he was urging,—of far greater importance than a mere pecuniary objection; one connected with the spiritual interests of these innocent children. He did not ask the noble Lord to forego the benefit of a general registration: all he begged was, that the noble Lord would not hold out to Members of the Church of England an inducement to forego, on behalf of their children, the advantages derivable from a religious ordinance, by dissociating, in his act, what had been from the earliest period of the Christian Church associated together, the naming of a child and the rite of Baptism. Would the noble Lord gain anything by this dissociation? The Bill of the noble Lord only afforded, after all, secondary evidence: while under the present system, there was the best evidence that could be afforded,—the certificate of baptism. Under the Bill of the noble Lord, there was no evidence but that which was drawn from intermediate persons, who might have an interest in stating the facts incorrectly, and coming before a Court of Justice, it could only be received as secondary evidence. What objection could there be to having an additional column, in the present Register, in which the clergyman might insert the period at which the child was born, along with the name? This plan would have one great advantage over that proposed by the noble Lord, that it would not impose upon the members of the Church of England any additional trouble: for under this Bill they would have, whether they baptised their children at the Church or not, to give the regular notice to the registrar. It was very possible under the Bill of the noble Lord, for some of the districts to be of very great extent; and individuals residing in those districts would have either to incur the penalty affixed to non-compliance with the provisions of the Bill, or to incur any inconvenience, or injury, which might attend their journey to the registrar. Take the case of a labouring man, residing a considerable distance from the Registry of the district to which he belonged. He would either have, on the birth of every child, to incur the penalty imposed on him for not obeying the provisions of the act, or to lose the profit arising from a day's labour, (to him perhaps no trifling matter) and run the risk of offending, or even injuring by his absence, the employer on whom he depended for daily subsistence. But, by acting on the plan which he (Mr. Goulburn) proposed, the labourer would be spared the double duty of attending the registrar, and also the Church, to obtain baptism for his child, while you would have the same degree of evidence as the Bill of the noble Lord provided. It might be said, that he (Mr. Goulburn) ought to have prepared clauses to carry into effect the alterations he had suggested, and proposed them in Committee: but the reason he had not done so was, that he thought those alterations could be rendered far more effectual by those who had framed the whole of the Bill, and who therefore understood the correspondence and connection of its several parts, than by any individual Member of the House. He had now stated what appeared to him the main objection to this Bill so far as regarded the Registration of Births: viz. that he could not consent to dissociate what had, from the earliest period of the Christian Church, been associated, he could not consent to the holding out by those clauses in this Bill which effected this dissociation, that which he believed would operate as a Parliamentary sanction and encouragement to the opinion, that the naming of the child was the first and most important thing to be considered, and that the rite of baptism was but of secondary consideration. He begged the Committee to consider, if the Bill passed as it at present stood, what a situation the conscientious clergy of the Established Church would be in; they would feel themselves bound naturally to exhort their flocks, both in season and out of season, not to forego the rite of baptism, and to lay before them the necessity of bringing their children to the font. And he (Mr. Goulburn) could not but fear, that their conscientious endeavours to arouse the ignorant and the indolent, to a true sense of the advantages of the rite of baptism, would produce in the lower orders of the people a dislike of the provisions of the statute, which required them to bring their children to be registered, whether baptised or not.

Lord *John Russell:* Sir, the right hon. Gentleman, the Member for the University of Cambridge, has acted very properly in stating his objections at the present stage of the Bill, because undoubtedly they are objections which go to the very principle of the Bill,—the establishment of a civil Registry of Births, Marriages, and Deaths. It is the opinion of those who framed this Bill, that with respect to Births, the State ought to establish a civil registry, common to persons of all religious persuasions, not a registry of members of the established Church only; or of any other denomination, but one, in the benefits of which all might alike partake. Now, Sir, such being the object of the Bill it is quite evident, that what the right hon. Gentleman opposite proposes could not be effected without entirely foregoing that object,—without framing the Bill in a totally different way. He says, the Bill might be framed in such a manner, as that the clergyman, at the baptism, might enter in the registry the time of the child's birth. But he seems to forget, that there are a great many persons who would not be inclined to administer to their children the ordinance of baptism, according to the forms of the Church of England.

Mr. *Goulburn:* I referred only to the case of Members of that Church,—I do not wish to interfere with the Members of any other.

Lord *John Russell:* Exactly. And then arises the very objection which I have just stated: viz., that the plan of the right hon. Gentleman will impose upon persons not belonging to the Church of England, the burden of a ceremony not according to their belief, or it will make necessary two separate registers:—one register, belonging to Members of the Church of England, the other, those who differ from her. With respect to the births and deaths of parties, they are matters which no doubt concern the welfare of the community, and in which no religious difference ought to be admitted: therefore, I say, there should be one register,—and that that should be a register taking notice of no religious creed, but common to all the members of the community. The right hon. Gentleman said (and I know it is an objection which is often urged against this Bill) that in as much as you ask only the name of the child and do not require the baptism to be stated, you thereby produce an impression in the minds of the ignorant, that the rite of baptism may be dispensed with: and that the name having been registered, they would never attend the Church, for the purpose of having their children baptised. Sir, that is, as the right hon. Gentleman properly said, an objection founded on the ignorance of the lower orders of the people; and I say, that if that ignorance does exist (and I am sorry to hear it stated by the right hon. Gentleman, as well as by many others, that it does to a great extent prevail) I say the cure for that is to give the people knowledge, to dispel that ignorance. I say it is the fault of Parliament,—I do not say it is the fault of the Church,—but the fault of Parliament, which has left the people in that ignorance. I do not think we should frame our laws for that ignorance or that you should give up the benefits of a national register, because you wish to connect two things,—the registering of the name,—I do not say the giving of the name, but the registering of the name and the rite of baptism. If you wish the people to avail themselves of a certain rite of the Church, I say they ought to be taught by the State, and sufficiently enlightened in the duties of their religion. I am not prepared to say, that you ought to encourage their ignorance, and hold out a premium to that ignorance, by refusing to pass a Bill for a national register. Therefore, certainly, I adhere to my original opinion; that you ought to have a register for persons of all religious persuasions. Even if it were necessary or expedient to effect the object which the right hon. Gentleman has in view, it might be effected in a much simpler manner. You might enact that the Christian name should not be entered in the register till after the baptism; but I think it will be impossible to attain the great end we have in view,—the establishment of a general register—but by some machinery similar to that provided in this Bill: the right hon. Gentleman has not explained how he would propose to deal with those persons who hold the doctrine of adult baptism:—in their case it would be necessary to ascertain the period of a birth which took place perhaps eighteen or twenty years back. It is evident of how little value the evidence of the Church register would be in this case: it would in fact be no evidence at all. Upon the whole, therefore, I think you ought to make your register, a register, not of baptisms, but of births.

Sir *Robert H. Inglis* thought, that the difficulty which the noble Lord apprehended might easily be met by there being a provision to this effect—that registers of the births and deaths of Dissenters should be opened at Dissenting meeting houses, and that copies of them should periodically (annually, biennially, or at other intervals, as the provision might be) be forwarded to the Central Registration Office. This, he thought, would supply the State with the necessary information, whether for national or for legal purposes, while, at the same time, it would obviate all the objections which had been raised to the plan proposed by the Bill, on the score of the mischievous influence it would have upon certain classes of the population in tempting them to forego the rite of baptism according to the ordinances of the Established Church. He admitted the principle laid down by the noble Lord, that a register was absolutely necessary for national and legal purposes; but he could not think that there was any necessity for running counter to the opinions and to the principles of a large body of the public, the members of the Church of England, and the clergy. He had many other objections to the Bill as it now stood. For instance, it was difficult to be seen how the registry was to be induced among certain classes of the population. If it was to be voluntary, there was then no occasion for a general register, because the members of the Church, being satisfied with the present system, let the Dissenters maintain their own register. If, on the other hand, it was to be compulsory, whether the compulsion was by way of fine or of domiciliary visit, considerable objection must arise. If by fine, was it to be a fixed amount, or was it to be proportioned to the means of the payer? If fixed, it must operate partially as between rich and poor, and if proportional it must induce a species of minute inquiry into the affairs of individuals. If it was by domiciliary visits that the practice of registering was to be enforced, the persons intrusted with the office would require to be armed with such powers as Englishmen would not readily submit to. On the score of expense, too, he objected to the plan, as it would lead to the necessity of imposing a burthen on parishes for the maintenance of a registry-office. But after all, his main objections to the Bill were religious ones. He objected to the Bill, because, for the first time, it separated the form of naming the child from the rite of Christian baptism—a rite which had been observed and respected since the existence of the Church. He objected to it also because it went to tempt certain classes of the people, consequently to forego the right of baptism; and, finally, he objected to the measure because it tended to bring the regularly ordained minister of the Church of England to the level of the ambulatory minister of fluctuating congregrations; and because it would have the effect of degrading and bringing into contempt a portion of the service of the Church of England, which had always hitherto been regarded as sacred and essentially necessary.

Dr. *Lushington* said, the right hon. Gentleman, the Member for the University of Cambridge, had urged as his principal objection to this Bill that, by requiring the registry of the name of a child, prior to the administration of the rite of baptism, injury would be done to the cause of religion, and the Established Church. Now he, (Dr. Lushington) felt as much as the right hon. Gentleman the impropriety of attempting to discuss any question in this House, which had the slightest reference to matters of religion. But at the same time he must be permitted to observe, that he could not anticipate anything like that extent of evil which the right hon. Gentleman seemed to dread. He (Dr. Lushington) could not think, that the great bulk of the members of the Church of England, if they were convinced of the value of the rite of baptism would be deterred from obeying the directions of their Church, because they were required to register their children within a given period after their birth; nor could he think that such a provision could fairly be characterized as tempting the members of the Church of England to depart from the directions of their church. The only evidence he had seen, which would warrant him in ascribing to this Bill the effects which the right hon. Gentleman had ascribed to it, was the evidence of persons inhabiting the district of St. Giles. He (Dr. Lushington) thought that those persons greatly undervalued the understanding of the people of this country, and the vast increase in knowledge which had taken place during the last thirty years, who imagined that they would be at once neglectful of one of the duties which their religion imposed, and regardless of the advantages which flowed from its observance. The right hon. Gentleman proposed, that with the name of the child should be inserted in the Church register, at the time of baptism, the date of its birth. With great deference to the right hon. Gentleman, he (Dr. Lushington) would suggest, that it was notorious the baptism of children in the Church did not take place within a month, six months, or even sometimes twelvemonths after the birth; and did it follow that the person, who brought the child to the font would be necessarily acquainted with the circumstances attending its birth? Even taking it for granted that they were, was there not a great difference in the evidence of a person, as to a certain fact given a few days after it occurred, and when given after the lapse of a considerable time. Under the present system of registration, it would be impossible to arrive at anything of certainty respecting the facts which were to be entered in the register. The clergyman entered the names as he performed the ceremony; it was no part of his duty to make any inquiry, in order to ascertain the correctness of the facts he was to enter. Would the right hon. Gentleman require the clergyman before he administered the rite of baptism, to put questions to the parties attending with the child for that purpose. First, he (Dr. L.) would remark, that as he had just stated, the evidence in many cases would be of little value, being given after a long lapse of time; and next, it would be imposing an onerous duty upon the clergyman, and one which, in his opinion, it was not fair to impose upon him. Besides, how were the members of the Church of England to be distinguished from those of other denominations,—for, was it not likely that many would assume that title in order to get rid of the provisions of the statute as regarded registration, if the exemption proposed by the right hon. Gentleman were to be made. In short, it was clear in his (Dr. L.'s) opinion, that under the plan of the right hon. Gentleman the register would be totally ineffective. He (Dr. L.) utterly denied that the object of the Bill was to afford relief to the Dissenters. He considered the question embraced in the Bill to be one of great national importance, and to those who understood anything about the difficulties which were experienced in the tracing of pedigrees its advantage would be too manifest to need explanation. At present searches after pedigrees were attended with immense delay and expense, persons had to go all over the kingdom to ascertain where such a person was buried—where another was born, and so on; and, in the majority of instances, their search was after all unsuccessful and unsatisfactory. And he (Dr. L.) considered that the members of the Church of England were fully as much interested as Dissenters, in the Establishment of a national register. It had been said, that this Bill would for the first time separate two things, which from the earliest period of the Christian Church had been associated—the naming of the child, and the rite of baptism. That was not a correct representation, for though the Bill required the parent to state the name which he intended to give to his child at the time of registration, there were express provisions in the Bill to this effect, that he might change the name of the child if he thought fit at the baptism; and it was too much to suppose that any parent of common understanding would say, "I have now given my child the benefit of a civil registry, therefore I will not give him the benefit of the ordinance of baptism." The scheme of the hon. Baronet, the Member for the University of Oxford, was this—that the ministers of all Dissenting congregations should have the power of keeping their own registries. He (Dr. L.) was surprised at such a proposition. Did not his hon. Friend know that one of the principal objects of a registry was, that it should be kept in a state of the best possible security, combined with easiness of access. And how could these objects be attained among Dissenting congregations—the ministers of which were always moving, and in some denominations only continued for a short period at any station. The hon. Baronet had asked how the Bill was to be carried into operation? He considered that such an objection should have been taken at an earlier period. But he must observe, in his opinion, when they were making an experiment of such great importance as the establishment of a general register, they should take the best means of giving effect to the provisions of the Bill, they ought not to be made at first too onerous upon the public. And with regard to the case which had been put by the right hon. Gentleman opposite, (Mr. Goulburn) of the loss which the poor labourer would incur in some cases, from the extent of the districts in which he resided, in registering his children, he (Dr. L.) would take it upon himself to assert, that very few labourers would (even allowing one child a-year for ten years) feel it a great burden that he had to spend one day a-year in obtaining for his children the advantages resulting from inserting their names in the national register. He allowed, that the penalty in case of non-compliance with the provisions of the Act (20*s.*) was small; but was it not better far, in making a great experiment of this kind for the first time, to run the risk of erring by too small, than too large penalties. Information would spread rapidly upon this subject. When this Bill had passed there would not, he (Dr. L.) ventured to assert, be an alehouse in the country in which its merits would not be discussed; it would be matter of discourse every where, and there would be soon, not an individual in any rank, or any denomination, who would not become acquainted with it, and duly estimate its advantages. With regard to the existing system of registration, the result of his experience was this. A great improvement had undoubtedly taken place, during the last twenty years, in the state of the registers throughout the country, and the manner in which they were kept and preserved. But there had been cases in which sufficient care—he would not use a harsher word—had not been exercised over them, to prevent loss or obliteration. And when it was considered that they were very often kept, not in the Church, but at the minister's residence, and that during a vacancy (which often lasted for a considerable time) there was no person who had the care of them, the wonder was, not that so many, but that so few were lost, or injured. Upon the whole, he (Dr. L.) was of opinion, that the objections urged by the right hon. Gentleman, the Member for the University of Cambridge, and the hon. Baronet, the Member for the University of Oxford, were not of any weight, and that neither of their propositions could be acceded to without giving up the object for which the Bill was introduced. He had only one word more. The hon. Member for the University of Oxford had said, that the reason for introducing this measure had been to degrade the clergy. He (Dr. L.) could not but consider such expressions as ill-calculated to uphold the character of the Church of England, and to produce that harmony and good feeling among all denominations of Christians, which all must desire to see. On the contrary, he (Dr. L.) must say, that it was calculated to prejudice the character of the clergy of that Church, and to hold them up to the odium of the people of England, to say that a measure which professed to confer a great public benefit, could not be carried into effect except through the medium of their degradation.

Dr. *Bowring* thought, that the object of the Bill had been misunderstood by those who objected to it. It had nothing whatever to do with baptism, because that was a religious act in which the whole community were not concerned, but what it had to do with was the fact of birth—a fact which was important to the whole community. What was wanted in this country was a registration of those facts with which the community were interested; the birth, the marriage, and the death of individuals. In most countries those facts were registered, so that it was easy to trace any individual from the time of his birth to his death by means of the National Register. It had been suggested that the clergy should continue in the custody of the Registers. On that point he (Dr. Bowring) would only state the following fact, given in evidence by a friend of his before the Registration Committee. At the last Revolution in France and Belgium, the clergy endeavoured to regain possession of the right of registration. But the civil registration had become so popular, so useful, so efficient, that the Legislature refused to give it them. In the present system of registration, he (Dr. Bowring) must observe, that there was no distinction made between legitimate and illegitimate children, and consequently no security to the public in cases of disputed titles to property. This Bill supplied that deficiency, and would be in his opinion of great advantage. He could not refrain from making one remark in conclusion. He had observed, (and it was the case here) that whenever opposition was made by the great body of the clergy to any measure useful and advantageous to the whole community, there was always to be found at the bottom of that opposition, something in the shape of fees or emoluments.

Mr. *Potter* expressed his great satisfaction that such a measure as that before the House had been introduced.

Mr. *Estcourt* observed, that in most cases the clergyman, before baptism, inquired as to the age of the child, and who were its parents. That, however, was not, he knew, sufficient to render the registry of baptism evidence of birth; but if the Legislature would enable the clergy to register both circumstances at the period of baptism the object which they had in view would be ascertained without the complicated machinery of this Bill, which he agreed would operate to discourage the members of the Church of England from having their children baptised.

Mr. *Pease* said, the great object of this Bill was to effect a system of registration which would be complete and satisfactory, not to any particular body, but to the community at large. He thought the Bill would effect that object. He entirely agreed in the sentiment expressed by the right hon. Member for the University of Cambridge, that it was improper to place burthens upon the necks of one denomination of Christians, which would induce the members of that denomination to neglect a religious rite. But the same principle should be carried out to Church-rates, imposed as they were upon the members of different denominations, who had in addition to support their own religious services. He (Mr. Pease) thought the idea, that this Bill would tempt the members of the Church of England to neglect a rite of that Church, was perfectly absurd. He (Mr. Pease) could say on behalf of his denomination, that though there might be some trifling inconvenience connected with this Bill as it regarded them in particular, yet they were perfectly satisfied with it as a whole, as being a measure calculated to confer a great benefit upon the community at large, in establishing a system of universal registration.

Mr. *Baines* said, the objection which had been raised as to the inconvenience this Bill would occasion to heads of families, fell to the ground, because it was not necessary for the parents personally to attend the Registrar, a letter, or a messenger, would convey the information equally as well. And with regard to what he might term the conscientious objection, that this Bill would encourage the omission of the rite of baptism, he (Mr. Baines) considered it would have the contrary effect; it would induce clergymen to be more zealous in laying before their congregations the importance of attending to that ordinance. He was sorry that the hon. Baronet, the Member for the University of Oxford, had not spared the injurious reflections which he had made on the Dissenting meeting houses, in the comparison which he had made between them and the Church. Both would be, he (Mr. Baines) trusted, roads to Heaven; and, therefore, whether the Church was to be reduced to the level of the meeting house, or the meeting house elevated to the dignity of the Church, was of very little consequence.

Mr. *Goulburn* said, he was not hostile, on the contrary, he was favourable, to a general register, and the plan he proposed would not interfere with the attaining that object. But if it could not be obtained but at the sacrifice of a religious rite, he (Mr. Goulburn) did not feel prepared to purchase it with all its advantages at such a price. It did not follow, however, that because the registers of the Church of England were to be retained, that they might not all be carried into a general Register.

Clause agreed to.

On Clause 27th, which provides for the expences of registration, by imposing a certain charge on the parish rates,

Mr. *Trevor* declared, that this expense, which was obviously for a national object, ought not to fall on the parochial funds, but on the Consolidated Fund.

On this point the Committee divided, when there appeared for the original Clause: Ayes 71; Noes 28—Majority 43.

Clauses to 33, agreed to.

House resumed. Committee to sit again.

HOUSE OF LORDS,

Tuesday, June 7, 1836.

MINUTES.] Bills. Read a first time.—Judicial Ratifications (Scotland).

Petitions presented. By the Marquess of DOWNSHIRE from Newry, in favour of Amendments made by their Lordships to the Irish Municipal Corporations Act. By several noble Lords from various places for the better Observance of the Sabbath.

ROMAN CATHOLIC CLERGY (IRELAND)] Lord *Lyndhurst* rose to present a petition from a Roman Catholic clergyman of Ireland, complaining of great injustice and oppression to which he had been exposed, and requesting the interposition and protection of their Lordships' House. He (Lord Lyndhurst) certainly could not in that instance venture to say, that their Lordships could afford the petitioner the redress for which he prayed; but as the petition was respectfully worded, and as the facts to which the petitioner referred appeared to him (Lord Lyndhurst) to be well authenticated, he felt it his duty to state them to their Lordships. The petitioner, whose name was Dr. Mulholland, had for many years held a Roman Catholic living in the county of Louth, and, according to testimonials which he had seen, Dr. Mulholland, had obtained respect and esteem for his piety and good conduct from all persons in the district in which he resided. It happened, however, that he had the misfortune to bring upon himself the animosity of the Roman Catholic priest in an adjoining parish, and that individual thought himself justified in circulating calumnies greatly to the prejudice and disadvantage of the petitioner. Under these circumstances, in justification of his character, he applied to the titular Roman Catholic Archbishop of the province, at that time Dr. Kelly. Dr. Kelly saw the propriety of the appeal, and directed his vicar-general to investigate the matter. The result of the investigation was, that the vicar-general came to the conclusion that there was no foundation whatever for the charges preferred against the petitioner, and he accordingly directed the person preferring them to make a public apology. This, however, that person refused to do; and under these circumstances, the petitioner had no alternative but to bring an action in one of the civil courts for defamation of character. The action was brought in the Court of Common Pleas in Ireland, and after a full investigation of the whole matter, a verdict was pronounced by the jury in favour of the petitioner. His conduct having thus been twice investigated—first before the domestic tribunal appointed by the titular Archbishop, and afterwards before a jury of his countrymen, he felt that his character was completely vindicated, and of course expected that the matter would there have been allowed to rest. In a very short time afterwards, however, he was removed from his living by the authority of the titular Roman Catholic Primate, without any reason whatever being assigned for his removal, except the circumstance of his having instituted the civil action against a brother priest. It appeared extraordinary to the petitioner, and he thought it must also appear extraordinary to their Lordships, that this course should be adopted;

because, adverting to the testimony that was given by the Roman Catholic bishops before the Commissioners of Education, and in particular of an individual of great eminence, Dr. M'Hale, he found it stated over and over again, in the most distinct terms, that, in vindication of a civil right, it was no violation of the rules of the Roman Catholic Church in Ireland, notwithstanding the Pope's bull to the contrary, for an ecclesiastic of that Church to institute proceedings before a civil tribunal against a brother divine. If their Lordships referred to the evidence given before the Education Commission, they would see, that questions upon that particular point were put in a great variety of forms, and in a manner the most sifting, and, that over and over again the same answer was returned. Under these circumstances, the petitioner, feeling himself deeply injured, appealed to the superior authority of his Church at the Court of Rome. There again the matter underwent a fresh investigation, which terminated by a rescript being forwarded from Rome to the Roman Catholic Archbishop in Ireland, recommending, in the strongest terms, that the petitioner should be reinstated in his living. In the meantime Dr. Kelly died, and Dr. Crolly was appointed titular Primate in his stead. The rescript was handed to that reverend person; he read it, considered it, said that its recommendation should be obeyed, and that the petitioner should be reinstated in his living. Thus the petitioner supposed that every thing was done according to his wish, and as the justice of the case seemed to require. In a short time, however, Dr. Crolly told him that he had altered his mind—that he should not reinstate him—that the love and veneration which he felt for the memory of his reverend predecessor, Dr. Kelly, was such that he could not by possibility reinstate one whom that excellent ecclesiastic had seen reason to dispossess. The petitioner asked Dr. Crolly if he had any thing to find fault with in his character or conduct? "Quite the contrary," said Dr. Crolly, "I consider you a model of piety and good conduct; but for the reason I have stated I cannot reinstate you." At the same time Dr. Crolly expressed himself so completely satisfied with the petitioner's conduct, that he gave him a paper attesting his merits in the strongest terms, and stating that he was distinguished in the highest degree for zeal, piety, and doctrine. Under these circumstances the petitioner again thought it right to appeal to the tribunal at Rome, where the matter was again investigated with the same results. Meanwhile the petitioner was requested not to leave Ireland, and Dr. Murray, the titular Archbishop of Dublin, requested him, for the sake of maintaining peace and harmony in the Roman Catholic Church in Ireland, to accept of a curacy. The petitioner offered at once to do so. "I will accept a curacy," said he, "if Dr. Crolly will appoint me." Dr. Crolly promised to do so, and the petitioner relied on the fulfilment of that promise. In a few days, however, Dr. Crolly again told him, that he had changed his mind—that he would not give him a curacy in Ireland, but that he might, if he thought proper, go to America, or elsewhere. These were the facts of the case. A clergyman was calcumniated—he appealed for redress to the domestic tribunal appointed under his immediate ecclesiastical superior, an investigation took place—he was acquitted of all blame—his conduct was approved—the party calumniating him was desired to make amends—this the party refused to do—he then appealed to the laws of his country, which he was justified in doing—which a due regard to his character bound him to do—which, according to the authorities to whose testimony he (Lord Lyndhurst) had referred, was no offence against the rules of his Church—a jury of his countrymen, after a full investigation of the matter, completely vindicated his character, and pronounced a verdict against his calumniator—he was described by his ecclesiastical superior as highly distinguished for zeal, piety, and doctrine—and yet, under all these circumstances, he was stripped of his living because he dared to make an appeal to the laws of his country. In the course of his statement he (Lord Lyndhurst) had referred to a document to which he begged to call their Lordships' attention, because it showed how little attention was paid to those prohibitions and restrictions which were imposed at the time that Parliament was granting what was considered a great boon to the Roman Catholics. By the 24th Clause of the Act for the Removal of the Disabilities of the Roman Catholics, it was enacted that no person should assume the title of Archbishop of any province, Bishop of any diocese, or Dean of any deanery, who was not entitled thereto by the law of the land.

That was a prohibition which was acceded to by the Roman Catholics at the time that the Act passed, and which their Lordships had every reason to suppose, and every right to expect would be obeyed. Yet the document to which he (Lord Lyndhurst) had referred, was signed by Dr. Crolly, describing himself as Archbishop of Armagh, and authenticated by Mr. Mathews M' Cann, describing himself as vicar general of the same province. He would not longer detain the House. He was sure their Lordships would feel the hardship of the petitioner's situation, and the injustice which had been done him, and that they would be anxious, if possible, to afford him some redress. He came before their Lordships, feeling himself aggrieved by his ecclesiastical superior, for no other reason than that he sought to obtain redress for an acknowledged injustice from the laws of his country. Under these circumstances he was sure their Lordships would feel disposed, if possible, to afford redress; at all events, they would justify his bringing these facts to their knowledge, and would allow the petition to lie on their table.

Lord *Holland* thought it most extraordinary that the noble and learned Lord should bring forward a subject so entirely alien to the functions of their Lordships' House as that which was then laid under their consideration. He (Lord Holland) had always been for throwing open the doors of the House to petitioners as much as any one within its walls; but he had always thought it was improper for their Lordships to receive any petition which was either couched in disrespectful language to the House, or called upon the House to do that which the House had not the power to do—which called upon the House, in fact, to exercise a jurisdiction where jurisdiction it had none. It was extraordinary, indeed, that the noble and learned Lord, above all other Lords in that House, should think it a part of the duty of that House to attend to the discipline of the Roman Catholic Church—for what else did the petitioner in this instance pray? The noble and learned Lord had told them a long story—he would not call it a cock-and-a-bull story, though it had something of the bull in it —a good deal was said about a bull of the Court of Rome; but the noble and learned Lord had told them a long story about the grievances of this Catholic clergyman. When that story was commenced, he expected to hear that the person whose petition was presented had not received justice at the hands of the constituted courts of law of the country; but it appeared that he brought his action, and that a verdict was given in his favour. The noble and learned Lord did not tell them exactly what that verdict was, but he concluded that the benefit of that verdict, as against his libeller, was received from the justice of his country. But because a Church not recognised, not paid, not established by the Government of this country—because that Church chose to interfere with this person, a member of its own body, for having (as the petitioner alleged) sought redress in one of the courts of law—though it did not appear, from anything else than what the noble and learned Lord had stated, that that was the real cause—because his own Church, for some reason or other, thought fit to dispossess him from the living which he had previously held, their Lordships were called upon to interfere and to afford redress. Did their Lordships confer the living upon him? Had they the power either of taking it from him, or of conferring it upon him? The noble and learned Lord described all the Roman Catholics in Ireland as aliens in blood, in religion, and in disposition. Were their Lordships, then, entitled to regulate their spiritual concerns?—because it came to that. Were their Lordships to interfere in the exercise of the Church discipline, or in the spiritual affairs of those who received no temporal or secular advantages from the Government of the country? As far as he understood the present petition, it appeared to him to be one which their Lordships could not properly receive. But whether they chose to receive it or not, of this he was certain—it was one upon which their Lordships ought not and could not act. For even supposing it were more consistent with the usages of the House, their Lordships would recollect that it complained of a grievance received by one man at the hands of another, and they would also remember that that House had no original jurisdiction, even if it were a question between Protestant and Protestant, and still less when it was a question between a Catholic priest and a Catholic archbishop. He always suffered pain when any person felt himself aggrieved, and came to Parliament for redress, that Parliament should not entertain his complaint. But still he thought their

Lordships should pause and consider before they received a complaint of such a nature as that contained in the present petition. If this complaint were entertained, it would be impossible to refuse a like indulgence to others; and were their Lordships really to enter into the question of how far the Church of Rome, in the discipline of its members, was actuated by correct and proper principles?

The Earl of *Wicklow* said, if the noble Baron, who had just sat down, was astonished at his noble and learned Friend for presenting the petition, he was in no degree less surprised at the tone which the noble Baron had adopted. He had understood, or at least had always believed, that it was the duty of every Member of that House not to refuse to present any petition properly and respectfully worded, from any oppressed person in the country, if the constitution of the realm did not afford that individual redress in any other quarter. When it was clearly evident that a person had been grossly injured, and when, under the constitution of the country, there was no court to which he could appeal for redress, he (Lord Wicklow) maintained, notwithstanding the doctrine of the noble Baron, that it was the duty of a Member of their Lordships' House to bring the subject under their Lordships' consideration. The petitioner, in the present instance, had requested him (Lord Wicklow) to support the prayer of his petition, and he certainly did so with the most unfeigned alacrity. He felt that the petitioner had been most severely and most unjustly treated—that a tyrannical power, unknown to the constitution of the country, had been exercised upon him; and for no other reason upon earth than that he had presumed to exercise the birthright of every British subject. Was it to be endured that any British subject should be deprived of the means of support at the will or dictation of any individual, and that solely because he dared to appeal to the laws of his country in a civil case? The petitioner had shown him testimonials of character from some of the most distinguished members of his own Church, and especially from the Roman Catholic Lord-Lieutenant of his own county, Sir Patrick Bellew, who deeply lamented the injury he had sustained, and strongly condemned the means by which that injury had been inflicted. It was truly surprising that the noble Baron (Holland), professing as he did Whig and liberal principles, should be the first to raise his voice against the reception of a petition coming from an individual claiming redress in the only court in which he could now hope to obtain it. When the prisoner waited upon him to communicate his complaint, and to ask his support, the first question he put to him was, "Why do you not appeal to those persons who profess to be the representatives of your own persuasion? Why do you not appeal to some of those great patriots of your own country, who declare themselves to be friends of the oppressed —who are, in fact, the representatives of the order to which you belong—who owe their seats in Parliament to the support which they receive from those of your persuasion? Surely, the matter would come with greater weight before Parliament if it were introduced by one of those in the other branch of the Legislature." But these individuals knew too well the dangers to which they were exposing themselves; they would not venture to bring upon themselves the censure of those through whose instrumentality they obtained their entrance into Parliament. He had in his possession the answer of the individual who considered himself the representative, not only of the Catholics, but of the whole body of the Irish people, in which he refused indignantly to undertake the case of the petitioner, assigning as a reason that he (the petitioner) ought rather to submit to any injury which the discipline of the Church might bring upon him, than attempt to obtain redress from the ordinary tribunals of the country. In acting otherwise, the petitioner showed that he trusted rather to the fairness of the British public than to the justice of those of his own community. He thought an application of the kind extremely well-timed, now that persons of the Roman Catholic persuasion were endeavouring to impose upon the country, by making them believe that the doctrines they professed in no way interfered with the enjoyment of civil rights and civil privileges. It was well that the country should have an opportunity of seeing what was the real despotism of the Roman Catholic Church. In his opinion it was the bounden duty of his noble and learned Friend to present the petition.

Viscount *Melbourne* observed that both the noble Lords had allowed that the House could do nothing in the case in question. The petition was from a Roman Catholic clergyman, who said, that he had been treated with great injustice by his superior, who had dismissed him from his ecclesiastical station, and that he had not been restored by the successor to that superior, notwithstanding the rescript which had proceeded from the highest authority in the Romish Church. It was clear, therefore, that the question was entirely one of ecclesiastical discipline. But the noble Earl said, the petition was an appeal to public opinion through that House; that was, in other words, that the petitioner stated alleged facts in censure of the conduct of another person, under cover of a petition to that House, into the merits of which petition the House could not enter. Now, although he (Lord Melbourne) could not in all respects reprobate such a mode of proceeding, yet he could not put it out of his consideration that it might be carried further in other cases, and indeed to an extent that would prove very inconvenient. Under these circumstances he doubted the prudence and policy of the noble and learned Lord in presenting such a petition. There was one observation made by the noble and learned Lord to which he wished briefly to advert. The noble and learned Lord read from some documents proceeding from the episcopal authorities of the Romish Church, the titles of Bishops and Archbishops, and then contended, that the use of such titles was a violation of one of the clauses of the Act for removing the disabilities of Roman Catholics. Now he apprehended that the clause in question only prohibited those titles from being taken in ordinary style. To abolish their use in the Roman Catholic Church, would be to abolish that Church itself; for to that Church the existence of episcopal ordination and episcopal authority was indispensable. In the internal discipline of the Romish Church, the use of episcopal titles, and the exercise of episcopal authority, were essential.

The Duke of *Wellington* must say, that the objections which had been made to the character of this petition, appeared to him to be most extraordinary; and above all, it appeared to him to be most extraordinary that the noble Baron opposite, of all persons in the world, should object to a petition from an individual with reference to a subject on which he could have no redress in any other quarter; for, if he were not greatly mistaken, he had heard the noble Lord himself present a petition from certain clergymen of the diocese of Peterborough, complaining of the questions put to them by the Bishop of that diocese preparatory to ordination. But, at all events, he had never heard such an opinion expressed by any one (the noble Viscount had been too prudent and discreet to express it) as that expressed by the noble Baron, that the petition ought not to be received. Would the noble Baron move as an amendment to his noble and learned Friend's motion, "that the petition be rejected?" For that was the course which the noble Baron ought to take, if he seriously thought that the petition ought not to be received. It was very true that, as the noble Baron had said, that House could not take any steps to redress the grievance of which the petitioner complained; but he had never heard of any instance, and, in his opinion, the noble Baron would be unable to find any instance, of the rejection of a petition to their Lordships, respectfully worded, only because no ulterior steps could be taken respecting it. The noble Baron said, that in some former debate in that House his noble and learned Friend had talked of the Roman Catholic clergy as aliens in religion, aliens in feeling, aliens in principle to the rest of the country. But he (the Duke of Wellington) begged to ask their Lordships whether, if the circumstances which had been stated by his noble and learned Friend respecting the present petitioner were true, his noble and learned Friend was not justified in speaking of the Roman Catholic clergy of Ireland as he had spoken of them? He wanted to know whether an inhabitant of this empire, going to Rome on a subject of this kind, and thereby appealing to a foreign tribunal, was not in the state which had been described by his noble and learned Friend? He would now advert to some of the arguments which had been used by the noble Viscount. The noble Viscount asserted, that the Act of Parliament for relieving Roman Catholics from civil disabilities, could not be supposed to prohibit the use of certain titles used by certain persons in the exercise of their religious authority, because, forsooth, the Roman Catholic Church was an Episcopal Church, and, therefore, that it was absolutely necessary to use Episcopal titles in its administration. But did we never hear of Roman Catholics in any other part of the world but Ireland?

The law had forbidden, and had succeeded in preventing, the use of episcopal titles by the Roman Catholics in England; but although the law had equally forbidden, it had not succeded in preventing, the use of episcopal titles by the Roman Catholics in Ireland. The law, the execution of which at present rested in the hands of the noble Viscount, was, it appeared, not successful in preventing the use of episcopal titles by the Roman Catholics in Ireland? The use of these titles had been abolished in this country, and ought to be abolished in Ireland,

The Marquess of *Lansdowne* observed, that what had fallen from the noble Duke showed the inconvenience of entertaining such petitions as that which had been presented by the noble and learned Lord; for the noble Duke justified the terms in which the noble and learned Lord had recently spoken of the great bulk of the population of Ireland, by assuming the accuracy of the statement made in the petition—a statement resting on no authority but that of the petitioner himself. Now how was it possible to know whether that statement was accurate or not, except they were prepared to enter into an inquiry on the subject. Did the noble and learned Lord propose or invite such an inquiry? Did the noble Earl opposite propose or invite such an inquiry? And yet their Lordships were told, that this was an appeal to public opinion made through their Lordships, although that assertion was unaccompanied by any proposal to inquire into the veracity of the assertions. But it was on the assumption of that veracity alone that the noble Duke could think the noble and learned Lord justified in the never-to-be-forgotten taunts, which he had, on a late occasion, thrown out against the bulk of the population in Ireland. In his opinion, the noble and learned Lord would have exercised a sound discretion if he had declined presenting this petition. As to the rejection of the petition, the House had the right, if they chose to exercise it, of refusing to receive any petition. If they received this petition, and acted consistently, they must receive all petitions from persons who were, or fancied they were, aggrieved by others; and where would that end? Were all persons in subordinate situations, stewards, clerks, and others, complaining of the conduct of their superiors, to have the privilege of making that House the channel of an appeal to the public on their cases? They had no more right to take such a step, than any of their Lordships' servants, or tenants, would have, although their case might be—as possibly the present case was—one of great hardship and injustice. He was much surprised at the comparison which had been made by the noble Duke, between the present petition and the petition complaining of the questions put by the Bishop of Peterborough to candidates for ordination. Was the Roman Catholic Church an Established Church? Were we to interfere with a Church which we neither recognised nor paid, because we had a right to interfere with the discipline, emoluments, and possessions of a Church which we both recognized and paid? We had no right whatever, to interfere with the discipline of any Church which we neither recognised nor paid unless that Church were guilty of some contravention of public law. The petitioner in the present case had a remedy at law. That remedy he had sought and obtained. Whether the petitioner had been unjustly treated or not, he (Lord Lansdowne), having heard only an *ex parte* statement, could not say; but this he would say, that if their Lordships received this petition, they could not refuse the petition of any other clergyman of the Roman Catholic religion, who complained of his superior. This might be attended with great inconvenience. At the same time, if the noble and learned Lord pressed the reception of the petition, he (Lord Lansdowne) would not oppose it; for it certainly was his opinion that great latitude ought to be allowed with respect to petitions, however it might be ultimately inconvenient and even mischievous.

The Duke of *Wellington* wished to explain what he had said respecting the petition presented against the Bishop of Peterborough. He did not dispute the right of their Lordships to inquire into any subject, the consideration of which might be submitted to them in a petition. But there ought to be something like prudence and propriety on the part of the petitioners; and certainly, the subjects of the question which a Bishop might think fit to put to candidates for ordination, was as improper and imprudent a subject for a petition as could be imagined.

Lord *Holland* begged permission to say a few words in answer to the personal observations which had been made upon him by the noble Duke. There was nothing analogous in the two petitions in question. The noble Duke said that the petition which he (Lord Holland) presented against the Bishop of Peterborough for putting certain questions to candidates for ordination, was improper and imprudent. If the noble Duke would look back to the circumstances of that case, he would find they were these, that the law of the land required certain qualifications and testimonials from the candidates for ordination, and that the Bishop introduced others, which he was not authorised to introduce. But, in the present case, was there any allegation of a departure from the law of the land? Did the law of the land declare that a Roman Catholic Bishop should not dismiss any Roman Catholic clergyman from the exercise of his functions? The noble Duke had said, that of all men in the world, he (Lord Holland) was the last from whom he should have expected an objection to receive this petition. Now, at all times, whether sitting on one side of the House or the other, he had always expressed an opinion, that every petition ought to be received, which was couched in respectful language, and which did not relate to subjects of which the House had no cognizance. For many years that House had enjoyed *de facto*, though perhaps not *de jure*, an original jurisdiction between one man and another. But in every case like that which he had just described, where a petition referred to a subject of which the House had no cognizance, he had always refused to present such petition; and he had recommended a similar course to other noble Lords placed in similar circumstances. Suppose any of their Lordships were to dismiss an old servant for having brought an action of which they disapproved, would that servant be entitled to present a petition complaining of his dismissal? How could they enforce rights, the existence of which was not acknowledged by the law? He would not, however, press his opposition to the reception of the petition to a division, but should be satisfied with saying "Not content."

The Marquess of *Westmeath* denied that there was any thing in the petition which should disincline their Lordships to receive it. The intolerant, inquisitorial, and tyrannical spirit of the Church of Rome was well known; and the object of the petition, as of many other petitions, was to obtain redress for an unjust act which the law could not reach. The noble Baron might recollect the case of the rev. Charles O'Connor Beg, a Catholic priest, who wrote on the veto, and on several points of the Catholic religion, and who was brought to an untimely end by the oppression and tyranny of a Catholic Prelate. It was endeavoured to raise proceedings in his favour, but the interference came too late. In the present case, there was a tyranny beyond the reach of the law; and as one of the Representative Peers of Ireland, he could not consent to the withdrawing of the petition.

Viscount *Duncannon* observed, that in the first instance the gentleman who now petitioned their Lordships did apply for and obtain the redress which a court of law could afford him. He had been chaplain to the titular Archbishop, Dr. Kelly, and Dr. Kelly removed him from that situation. Could the House interfere in such a matter as that? The noble and learned Lord spoke of the high character which the petitioner had received from the Catholic Lord-Lieutenant of his county. It was very true, that the petitioner had applied to that gentleman for a character, but he (Lord Duncannon) was authorised to say, that that character was not given with any view of its being brought forward in that House, and that in giving it, there was no intention to countenance the object which the petitioner now had in view.

The Earl of *Wicklow* remarked, that the Catholic Lord-lieutenant in question knew all the circumstances of the petitioner's case, and, therefore, that his giving the petitioner a high character, was a tacit approval of his conduct in those circumstances. He could state, that the Catholic titular Bishop of London, notwithstanding his knowledge of the facts, had given the petitioner leave to exercise his functions in every chapel in his diocese.

Viscount *Duncannon* replied, that so far was the Catholic Lord-lieutenant in question from approving of the conduct of the petitioner in the circumstances which occasioned his removal, that he approved of the removal.

Viscount *Melbourne* observed that, as so much had been said upon the subject, it would be but fair to read to their Lordships a letter from Dr. Crolly respecting it. The noble Viscount read the letter. It stated that Dr. Kelly had been informed that Mr. Sergeant Jackson was about to present a petition to the House of Commons from the petitioner, and as it was probable that reference would be made to the circumstances of the case, Dr. Crolly thought it right to declare, first, that the petitioner never had a living, but was chaplain to the Bishop, and was only administrator to a parish; secondly, that he had dragged a worthy clergyman before a court of justice, where he had obtained only a farthing damages, and was adjudged to pay the costs; thirdly, that his conduct on that occasion was universally disapproved of, and that his removal from the office of administrator was confirmed by the proper authority; fourthly, that he (Dr. Crolly) had offered him the choice of three curacies before two Catholic priests, who were prepared to give evidence that he contemptuously refused them all; fifthly, that at the last conference at Dundalk, he (Dr. Crolly) had offered to confirm the petitioner as the associate of any parish priest, but that he refused to be so associated; and the parish priests were as unwilling to be appointed with him, as he was to be associated with them. These statements he hoped would satisfy the minds of their Lordships with respect to the merits of the case.

Lord *Lyndhurst* trusted their Lordships would allow him a few words in explanation. With respect to the allusion of a noble Marquess, to what he (Lord Lyndhurst) had said, or was supposed to have said, on a former occasion, he could assure the noble Marquess and the House, that he was never disposed to shrink from the responsibility attached to any expressions which he had really used, and least of all was he disposed to do so on the present occasion. With respect to the present petition, what other course could he have pursued than that which he had taken? A gentleman came to him, told him that he had been unjustly and oppressively treated by an individual having authority over him. That gentleman produced the highest testimonials to his character, even from the individual from whom he had received the injury. By that individual he was declared to be *insignem zelo, pietate et doctrina.* Another document from the same individual, after the transaction in which the whole affair originated, also contained the highest eulogiums on the petitioner's character. Under such circumstances was it possible that he could refuse to present the petition? But it had been said, that the statement in the petition was only the statement of the petitioner. Why, what was the statement in any petition, but the statement of the petitioner? But in the present case, he found the statement of the petitioner vouched for by the very person of whom the petitioner complained. He was glad to see the noble Viscount reading the petition, and he would now ask that noble Lord if he had stated the facts or not? Had he attempted to give them a false colour? Had he done more than it was his duty to do, namely, to state to their Lordships as plainly and intelligibly as he could, the substance and the prayer of the petition? The noble Viscount seemed rather to have mistaken the meaning of the clause in the Act for removing the civil disabilities of the Roman Catholics, to which his noble Friend (the Duke of Wellington) had alluded. The clause ran thus—"Be it therefore enacted, that from and after the commencement of this Act, it shall be lawful for any person other than the person thereunto authorised by law, to assume, or use the name, style, or title of——Archbishop?" No;—"Archbishop of a province;" Bishop? No; "Bishop of a Bishopric." It was not a violation of the law to assume generally the title of Archbishop or Bishop; but it was a violation of the law to assume the title of "Archbishop of any province; or Bishop of any Bishopric in England or Ireland." That was the statement of his noble Friend; and to that statement the observations of the noble Viscount were not an answer. If the noble Lords opposite wished the subject to be investigated, he (Lord Lyndhurst) was quite prepared to enter upon that investigation. All he now asked, however, was, that the petition might lie on the table.

Lord *Holland* wished to know if their Lordships were to understand, that if any petition were to be presented from Dr. Crolly, that was also to be inquired into? It might be that a petition might be presented from Dr. Crolly directly contradicting the statements of Mr. Mulholland.

Lord *Lyndhurst* said, that if Dr. Crolly signed that petition as Bishop of Armagh, he should object to its being received [*a laugh*]; otherwise he should never object to the reception of a petition complaining of injustice, come from what quarter it might.

The Marquess of *Lansdowne* asked, if a petition was presented from Dr. Crolly, as Dr. Crolly, and not as Archbishop of Armagh complaining of great injustice, would it be received?

The Duke of *Wellington* spoke to order. It was irregular to ask noble Lords how they would vote on a hypothetical case.

The petition to lie on the table.

HOUSE OF COMMONS,

Tuesday, June 7, 1836.

Minutes.] Bills. Read a first time:—Charitable Trusts.

Petitions presented. By Lord G. Bentinck, from Retailers of Beer, Lynn, for Amendment of Beer Act.—By Mr. Burnard, from Gravesend, for the Abolition of Gavelkind.—By Sir John Rae Reid and Sir John Yarde Buller, from various Places, for Repeal of the Duty on Marine Insurances.—By Mr. H. Grattan, from various Places, for Abolition of Tithes (Ireland), and that the House will adhere to the provisions of the Irish Municipal Corporation Reform Bill, as originally passed by the House.—By several Hon. Members, from various Places, for Abolition of Tithes (Ireland).—By several Hon. Members, from various Places, for Abolition of Church Rates.—By Mr. C. Ripon, from Gateshead, against Bishopric of Durham Bill, and from Sunderland, for Repeal of Duty on Newspapers.—By Mr. C. Fergusson, from the Legal Profession, Dursley, for Repeal of Duty on Attorneys' Certificates.—By Mr. Hutt, from Kingston-upon-Hull, for Mitigation of the Criminal Code.—By several Hon. Members, from various Places, against Turnpike Trusts' Consolidation Bill.—By Mr. Fitzsimon, from Tullamore and Kulbride, for Ballot, and from Eglish, for Poor-laws (Ireland).

Malta.] Mr. *Ewart* said, that he rose to present a petition from the clergy, nobility, and other inhabitants of Malta, praying for a redress of the grievances under which they laboured. As the subject was one of importance, he felt it his duty to state as briefly as he could the grievances of which the petitioners complained, and the remedies for which they prayed. The grievances that affected the Maltese were pretty well known in that House, as they had been the subject of several former debates there, and he trusted that the period was at length arrived, beyond which the correction of those grievances would not be delayed. There had been many instances of colonial misgovernment on the part of this country, but he would venture to say, that the hitherto ill-conducted government of Malta had been pre-eminent for its mismanagement. In no one of our colonies was to be found such a number of highly-salaried officials, whose remuneration was generally in the inverse ratio of the duties which they had to perform. The petitioners complained that they had long wanted a Council or Legislative Assembly, and that under the old Constitution of Malta they had an assembly of that description. They stated, that they petitioned the Crown some years ago for such a Council, and that a Council was established, consisting, however, of only eight persons, the majority of them holding office under the Government, and the whole of them being under Government influence and control. They stated, that this was a mere mockery of the assembly that they had sought for, and they now prayed that such a Legislative Assembly, constituted upon the principles of the British Constitution, would be granted to them. The next prayer of the petitioners was, that they should, for the benefit of the population there, get a well-digested and properly compiled code of laws, the decisions under it to be propounded, not in secret, but before the public, and open to public inspection and animadversion. The next prayer of the petition was, that they should enjoy the advantage of a free press in Malta. He was happy to say, that the wise liberality of his hon. Friend at the Colonial Department had already induced him to comply with this demand of the people of Malta, and that the press there was now free. With a free press at their command, the Maltese would not fail to make known their grievances and wants, and he was sure that, under the present Administration, the evils of that colony would be redressed. The next prayer was, that a system of general and popular education should be introduced into Malta. Under a former Government a University had been established at Valetta, but it was conducted on exclusive principles, and had not given satisfaction to the people at large. The petitioners next referred to the restrictions and burdens which fettered and injured the trade and commerce of Malta. Their complaints on that head well merited the attention of the House. The supply of grain to the island had long been conducted under a complete system of Government monopoly. There formerly existed an institution in the island for supplying the inhabitants with grain. The Government had taken that department under its control, and the supply was now completely in the hands of Government. The petitioners truly stated, that the wants of the population, and the interests of Malta, required that there should be a free trade in grain. He (Mr. Ewart) hoped that, under the auspices of his hon. Friend, this unjust institution would no longer be allowed to remain, and that the merchants and inhabitants of Malta would get the benefit of a free and unrestricted commerce. The petitioners further complained, that the quarantine laws of Malta were different from those established in any other of our colonial possessions. Under our general colonial law our merchants and traders were exempted from paying any thing for the support of the quarantine establishments, but to that Malta was an exception. Our merchants and traders there were obliged to pay for the quarantine, which, being a Government establishment, should, on general principles, be maintained by the Government. His hon. Friend beside him would present a petition from the merchants trading to Malta, and he would no doubt call the attention of the House to the commercial policy pursued towards that island. It appeared to him obvious that Malta should be made a free port and *entrepôt* for our commerce in the Mediterranean. It seemed to have been constructed by nature for such a purpose, and upon no other principle could the government of Malta be conducted with advantage to the inhabitants and the empire at large. Since this petition had been forwarded to him, he had learned from his hon. Friend, that it was the intention of the Government to send out a Commission to inquire into the grievances of the Maltese, and to suggest the remedies that might be deemed advisable for their removal. On the part of the petitioners, he was ready to assent to that arrangement, upon this understanding, however, that the Commission should be based upon the principle of full and free inquiry—that no opposition on the part of official characters in Malta should be allowed to stand in its way, and that its proceedings should be open to the free and unrestricted observation of the public press. He assented to the Commission, he repeated, on the understanding that it should be conducted as the Commission of Municipal Inquiry had been conducted in this country—in open court, and upon the genuine British principle of doing justice to all parties. But though this Commission should go out, he hoped that his Majesty's Government would not suspend the application of remedies to such evils as were pressing, and required immediate amendment. He trusted, that the Government, in such matters, would take counsel from the merchants trading to Malta, and he also hoped that there would be no objection to the Commission reporting from time to time, such reports to be laid upon the table of the House. Entertaining the confidence that he did in the present Colonial Government, he would consent to the sending out of this Commission, reserving, however, to the petitioners the power, should the Commission prove unsatisfactory to them, of appealing to Parliament, and bringing the whole of their grievances before the House of Commons and the country.

Petition to lie on the table.

Mr. *Holland* said, that he held in his hand a petition from the merchants connected with the trade to Malta; and, as it was intimately connected with that just read, he would take the liberty of presenting it now. The petitioners prayed the House to abolish the charges levied for quarantine, and to render the trade with Malta free and unrestricted. These petitioners had been often before the House on this subject, and it was only a few months ago that they had presented a memorial to the Colonial Department with regard to it. On that occasion they had experienced nothing but kindness and courtesy, and since he had come into the House that evening, he understood from the hon. Baronet (Sir G. Grey) that it was the intention of the Government to make an alteration regarding the corn trade of Malta; indeed, he understood the hon. Baronet to say, that it was the intention of Government no longer to interfere with the grain trade of that island. It appeared from the returns on the table, that the customs' duties collected in Malta, from 1825 to 1834, amounted to 97,797*l.* 17*s.* 6*d.* This gave an average of about 9,800*l.* per annum. The expenses of collection during that period amounted to 27,598*l.*, which reduced the net annual revenue derivable from the customs to 7,041*l.* In the quarantine department, in 1834 the amount collected was 3,717*l.* 18*s.* 2*d.* The expense for collection during that year was 4,727*l.* 14*s.* 6*d.* This department was therefore a losing concern. In the Report of the Commissioners of 1830, it was recommended that the salaries, &c., in Malta, should be reduced to the amount of 15,000*l.* per annum. If the Government would act upon that recommendation, the customs' duties there could be dispensed with, and the quarantine expenses confined to the collection of duties from vessels under foreign flags.

Petition to lie on the table.

Mr. *Hume* presented a petition from Charles Vere, who had been imprisoned in Malta for having opened a school without a licence. He hoped that the petitioner's case would be inquired into.

Sir *George Grey* would briefly state to the House the course which the Government had adopted with respect to the complaints made. They had found that much was to be done. In the first place, there was but one press in the island, and that was in the hands of the Government, so that nothing could be published through the press but with the sanction of Government. The Government had felt, that a minute inquiry was necessary, and with the concurrence of Sir F. Ponsonby, the Governor of Malta, who was now in this country, had determined to send out a Commission to inquire into the several complaints made. They thought that a Commission on the spot would be a much more effectual mode of getting at the facts of the case, than an investigation by a Parliamentary Committee. As to the composition of that Commission, it would be such as no objection could be made to. With respect to the reduction of the customs' duties, he would only say, that it would be impossible to sacrifice so large an amount as 10,000*l*. or 11,000*l*. of annual income, until it was ascertained what reductions of expenditure could be made. For the same reason he could not speak at present as to the reduction of the quarantine charges. In Lord Aberdeen's time the sum of 3,000*l*. of quarantine expenditure had been charged on the revenues of the island. He thought it would be impossible to charge that expenditure on the consolidated fund. He did hope, through the inquiries of the Commission, to effect many beneficial changes in the island, but it would be impossible to proceed with any until the inquiry had been made.

The petition to lie on the table.

PLAGUE IN LONDON.] Mr. *Wakley* was very desirous of putting a question to the President of the Board of Trade, and he trusted that the pressing nature of the subject would be a sufficient excuse for now interfering. He had last night been informed that five persons had died of the plague in Tottenham-court-road, and on his return home he met a gentleman in extensive practice near Bedford-square, whom he asked if he had heard of these cases, or of any others resembling the plague? The gentleman instantly answered in the negative. The report, however, was still prevalent, and had created great alarm, and it was material, therefore, that distinct information should directly be given to the public. He had understood also that a deputation had waited on the President of the Board of Trade on the subject, and he begged to know of that right hon. Gentleman whether it were true that the disease had made its appearance, or whether the reports were wholly without foundation.

Mr. *Poulett Thomson* was very glad that the question had been put, as it was obvious that if reports of such a nature were in circulation they could not be too soon contradicted. He had the satisfaction to be able to give the most unqualified contradiction to the rumour which he was informed had been spread through the town. He must add, that he thought there was some reason to complain of the quarter from whence the ridiculous rumour had proceeded. On Friday last it had come to his knowledge, from several communications, that such a report was abroad, and it had been traced to a medical gentleman, who had said that a case of the plague, or several cases, had occurred in London. When the rumour reached the department over which he presided, further inquiry was made, and a letter was written to the medical gentleman on the subject, to which he had sent a reply. That reply he held in his hand, and would read to the House;—

"In reply to the inquiry made, I have the honour to state, that the report was communicated to me by a medical practitioner on Sunday week, which report I mentioned in one house only on the same day, and not since. It was not that several cases of plague had occurred at the London Docks, but that Mr. Cooke, of the house of Shoolbred and Cooke, drapers, Tottenham-court-road, with seven assistants, had died from opening a bale of goods in their warehouse, and that it was suspected they had died of the plague. The medical practitioner in question, knowing that I had paid considerable attention to the disease, which I had witnessed at Constantinople, thought that the report would interest me, and wished that I should take pains to examine the truth, and investigate the particulars of it—an object which I have not been able to accomplish, in consequence of my other numerous avocations."

Upon the receipt of this letter, he had at once requested Sir William Pym to make the necessary inquiries. He did so, and he found that Mr. Cooke was the head of the firm. It was a large warehouse establishment, where there were between seventy and eighty people employed. He found that the head of this establishment had died on the first of May of a brain fever, and that since that time there had not been one single person out of the seventy or eighty employed there who had been ill, except one young man, who was suffering from a pulmonary complaint. He must say, that for a medical gentleman to propagate a rumour of this kind, adding that the knowledge of many cases of this nature was in his possession, and not to call the attention of the Government to it during a whole week, afforded just grounds of complaint. Having made this public explanation, in order to prevent the continuation of any alarm that might have been created, he must at the same time express his own feeling and belief (and he was sure that every gentleman who heard him would participate in that feeling and belief) that it was the duty of every medical man to whom any report of so alarming a character as that mentioned in this letter might have been made, at once to have informed the Government upon the subject, in order that steps might have been taken to ascertain the truth of it, and to quiet the public mind by taking such further steps as might have been deemed necessary. It was true, as the hon. Gentleman had stated, that alarm had been raised, and that a deputation from the parish had waited on him at the Council office this morning in considerable alarm. He also understood that in consequence of the reports that had been raised, Messrs. Cooke and Shoolbred had suffered very considerably, and expected to suffer more. They had been wise enough to offer a reward of 200*l.* for the discovery of whoever was the original author of the calumny which had been spread against them.

Mr. *Wakley* expressed his satisfaction at the explanation given by the right hon. Gentleman. It was the opinion of nine-tenths of the medical men in the country that the plague was not a contagious disease; but even if it were, it ought not in such a place as London to create any alarm.

Criminal Laws.] Mr. *Ewart* moved for leave to bring in a Bill to repeal the law which admitted the fact of a previous conviction to be given in evidence to the jury in the case before them. It might be proper that the fact of a previous conviction should be urged after conviction in aggravation of punishment, but in his opinion it was most unjust to the accused, that such a fact should be brought before the Jury; for it could not possibly assist them in coming to a right conclusion as to whether he was guilty or not guilty of the crime for which he was now upon trial. He proposed, therefore, in conformity with the opinion of many hon. Members, and other Gentlemen connected with the law, that such a law ought not to be allowed to exist, that this part of our criminal code should be repealed.

Mr. *Cutlar Fergusson* said, he was of opinion that the Bill proposed by the hon. Member for Liverpool ought to be brought in, for he agreed with him in thinking the present state of the law on this subject most unjust.

Sir *T. Fremantle* was in favour of the principle of the Bill proposed to be brought in. He thought the fact of a previous conviction ought to be known to the Judge, that he might appropriate the punishment accordingly; but that it ought not to be known to the Jury, as it had a natural tendency to create a prejudice against the prisoner.

Mr. *Roebuck* differed from the hon. Member (Sir T. Fremantle). He (Mr. R.) thought if a man upon trial had been convicted before of a similar offence, the fact ought to go to the Jury. It might, in some cases, assist them in determining upon his innocence or guilt of the offence he was charged with.

The *Attorney General* said, he should not object to the bringing in of the Bill. At the same time he did not wish to be understood as pledging himself to agree in every part of it. He thought it unjust, that facts not immediately connected with the offence for which a man was on trial, should be allowed to be given in evidence, when they would naturally create a prejudice against him in the minds of the Jury. At the late trial of Lacenaire, in France, facts had been given in evidence not in the slightest degree connected with the matter of which he was accused, but which had completely poisoned the minds of those who were to decide upon his fate. In some cases it was well known, that the Judge had the power of increasing the punishment for a repetition of the offence; in such cases, therefore, it might be necessary that the fact of a previous conviction should be known to the Judge; but he (The Attorney General) did not think it right that such a fact should be allowed to go to the Jury, tending, as it most certainly did, to prejudice their minds against the prisoner.

Sir *Eardley Wilmot* agreed with what had fallen from the Attorney General, and expressed himself in favour of the Bill which the hon. Member for Liverpool asked leave to bring in.

Sir *Robert Peel* said, he had rather that the Jury should know the fact of a man's previous conviction than the Judge. A man was allowed to give his former good character in evidence; why should a man's bad character be concealed from the Jury, when it might assist them in coming to a right conclusion upon the case before them. In Scotland a previous conviction was allowed to be proved; why, then, should it be so great an injustice in England? In the English law, in the case of a rogue and vagabond, or one who was incorrigible,—the facts of previous convictions were to be given in evidence, as proving him irreclaimable, and he was to be dealt with accordingly. He (Sir R. Peel) must say, that he admired the French criminal law, except in one respect, that it allowed the Judge to examine witnesses, and the prisoners, for it prevented him from maintaining that coolness and impartiality which were so necessary to the administration of justice. He could not see why so great care should be taken to throw shields around the guilty, as some hon. Members appeared so anxious to do, though he admitted every endeavour should be used to protect the innocent.

Mr. *Pryme* agreed in much that had fallen from the right hon. Baronet, but he was of opinion, that the fact of a previous conviction should not be allowed to go before a Jury to prejudice them against the prisoner.

Leave given.

MR. BUCKINGHAM'S CLAIMS.] Mr. *Tulk* moved that the Report of the Select Committee appointed in 1834 to inquire into the claims of Mr. Buckingham to compensation be read. This having been done, the hon. Member said, that it was only from a conviction of the justice of Mr. Buckingham's claims that he ventured again to appeal to the House, in the hope of inducing them to reverse the decision to which they had come on the subject of them. The hon. Member then commented at some length upon the facts contained in the Report, and upon the injustice with which they showed that Mr. Buckingham had been treated, and after intimating, that if he succeeded in carrying his first motion, he should afterwards move that the sum of 10,000*l.* be paid out of the funds of the East-India Company, as Compensation to Mr. Buckingham for the injury, or rather destruction which they they had inflicted on his property in India, concluded by moving, "that this House do agree to the resolutions of the Select Committee on the case of Mr. Buckingham, as reported to the House on the 14th of August, 1834."

Major *Curteis* seconded the motion.

Mr. *Vernon Smith* said, that there was only one observation in the speech of the hon. Gentleman who brought forward this motion in which he could concur—and that was, that he (Mr. Tulk) did indeed owe an apology to the House for bringing forward this question again after it had been decided against him in this session, when the whole question was fully entered into. The hon. Gentleman had not shown the slightest ground for mulcting the East-India Company in a penalty of 10,000*l.* for the benefit of Mr. Buckingham; and in making that proposition the hon. Member had even gone beyond the resolutions of the Committee, which had carefully abstained from stating the sum to which they considered Mr. Buckingham entitled.

Mr. *Poulter* supported the motion, on the ground that it was founded on the resolutions of the Committee, which had been agreed to almost unanimously.

Mr. *Robinson* resisted the motion, on the ground that the House had no jurisdiction, and could not erect itself into a tribunal to decide on the pecuniary claims of any individual as against the East-India Company.

Mr. *Hume* admitted, that the House had no jurisdiction to interfere in pecuniary matters between man and man, or between an individual and a public company, where any other competent tribunal existed; but in the present instance, there being no such means of re[illegible]as, he should support Mr. Buckingham's appeal.

Mr. *Richards* could not believe that the House had no jurisdiction in such a case. There could be no doubt they were fully competent to entertain the claim of the hon. Member for Sheffield, and, therefore, he was much surprised the hon. Member for Northampton (Mr. V. Smith) had thought it necessary to oppose the present motion *in limine* on technical and formal grounds, without at all entering into the consideration of its substantial merits.

Mr. *Hogg** spoke as follows:—Having been on the spot during the whole period of the transaction adverted to, perhaps the House will kindly grant me their indulgence while I state my reasons for hoping that these resolutions may not be agreed to. I think, Sir, that, at first, a stand ought to have been made upon principle, and that the appointment of the Committee ought to have been resisted. But as the Committee was appointed, and has reported, I think the question ought to be argued on its merits; and on its merits alone I am prepared to meet it, abandoning every objection of form. I contend that the Committee have reported no facts to support their own resolution and recommendation. They and the Gentlemen opposite have treated this matter as one which consisted of one offence and one punishment, involving in its consequences the ruin of Mr. Buckingham. You are told that the Government not only sent him home, but, on his departure, adopted measures to suppress his paper and ruin his fortunes. I deny that this is correct; I deny that when he was required to leave India, Government, either directly or indirectly, said, or did anything to injure his paper, or interfere with his arrangements; and upon that issue I am willing to place the result of this motion. India and Indian affairs have few attractions, and command but little attention or interest; and I believe that, often as this subject has been before Parliament, no statement of the circumstances has ever yet been made. If permitted by the House, I will give them a narrative of Mr. Buckingham and *The Calcutta Journal.* I see Mr. Buckingham opposite; and I shall feel obliged by his interrupting me, if I in any respect misrepresent or overstate. I do not wish to weary the House by unnecessarily reading documents, but I have with me the evidence adduced before the Committee, and am prepared to prove the correctness of every statement I may make. No word shall intentionally fall from me calculated to reflect personally on the hon. Member; I agree in all that has been said as to the conduct and demeanor of that Gentleman in this House since I have had the honour of a seat in Parliament. But the more bland, and mild, and soothing his manner here may be, the more necessary it is to draw the attention of the House to the circumstances which compelled the local government of India to visit him with extreme severity. The hon. Member who introduced this motion complained of the state of the House, when the Bill on this subject was rejected this Session, and said that the friends of Mr. Buckingham were not then in attendance. As far as my memory serves me, that division was taken under circumstances peculiarly calculated to mark the sense of the House. The Bill was introduced as a private one, but did not come on till after five o'clock, when public business of some importance was expected; and the House was, in consequence, crowded—[*No! No!*]—I mean comparatively crowded, with reference to the numbers usually present on the discussion of private business; and I will venture to say, that the division this Session, rejecting the Bill, is the largest that ever took place on this subject. I have premised that I will urge no technical objection, but I must beg the attention of the House to the number of tribunals before which this claim has already been urged. It was introduced into this House as a public Bill, and withdrawn, I admit, on the ground of form. It was introduced this Session, as a private bill, and rejected by a division of 125 to eighty-one. It has been urged before the Court of Directors, a body constantly changing, ever since 1823, and has always been rejected. It has also been urged, during the same period, before the various Commissioners for the Affairs of India, and has been repudiated by them all, with the single exception of Lord Glenelg. It was brought, with the united influence of all Mr. Buckingham's friends, before the Court of Proprietors, and rejected by a majority of 279; the numbers being 436 to 157: and if, after all these unsuccessful appeals, the hon. Member has any fair claim, I must admit, that he has been unfortunate indeed. What, Sir, is Mr. Buckingham's first and great grievance, prominently dwelt on before the Committee, in his evidence and statements, and the one upon which all his complaints and claims must be founded? He states, that he arrived in Calcutta in 1818, and that believing the press there to be free, and subject only to the restraints imposed by the English law of libel,—believing it to be free as in England (these are his words), he set up *The Calcutta Journal.* Mr. Buckingham so says, and I give the fullest credence to what he states. But I declare my conviction, that there was not another individual in Calcutta, European or native, white or black, who laboured under a similar delusion. It was notorious as the sun at noon-day, that the press was not only not free, but subject to the most rigid and stringent regulations. Mr. Buckingham is quite right in endeavouring to show, that when he established his paper the press was free, and that he was injured by some *ex post facto* law. He feels that he cannot have a shadow of claim, if it should appear that he perseveringly violated rules which were already in existence when he commenced his paper, and with which he either was acquainted, or ought to have been acquainted. No person can anywhere be permitted to plead ignorance of the law; and in a country peculiarly circumstanced, like India, it would be preposterous to allow a man to urge in justification, or even in palliation, that he had embarked in an undertaking in utter ignorance of all the rules and regulations relating to that particular calling. As this part of the subject is most important, I entreat the attention of the House while I mention the state of the press in India, as it existed before and at the time of the establishment of *The Calcutta Journal.* The first press regulations were framed by the Marquess of Wellesley, in 1799, and with the permission of the House, I will read them :—

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* Republished from a corrected Report.

1st. Every printer of a newspaper to print his name at the bottom of the paper.

2nd. Every editor and proprietor of a paper to deliver in his name and place of abode to the Secretary to Government.

3rd. No paper to be published on a Sunday.

4th. No paper to be published at all until it shall have been previously inspected by the Secretary to the Government, or by a person authorized by him for that purpose.

5th. The penalty for offending against any of the above regulations to be immediate embarkation for Europe.

These regulations first established the censorship, and the editors were then distinctly apprized, that the penalty for offending was immediate embarkation for Europe. These rules remained in force until 1813, when new regulations were established, of nearly the same tenor, but more general and stringent. — [*Read ! Read !*]—Being called upon to read them, I will do so.

1st. That the proof sheets of all newspapers, including supplements, and all extra publications, be previously sent to the Chief Secretary for revision.

2nd. That all notices, hand-bills, and other ephemeral publications, be, in like manner previously transmitted for the Chief Secretary's revision.

3rd. That the titles of all original works, proposed to be published, be also sent to the Chief Secretary, for his information, who will thereupon either sanction the publication of them, or require the work itself for inspection, as may appear proper.

4th. The rules established on the 13th May, 1799, and the 6th August, 1801, to be in full force and effect, except in so far as the same may be modified by the preceding instructions.

The rule of August, 1801, was a special one, relating to the publication of military orders. I hope the House will think that I was not incorrect in stating that these new rules were more general and more stringent than those first issued. Such was the state of the press from 1799 up to August, 1818, when the censorship was removed, under the government of Lord Hastings, and new rules were framed, much more extensive in their application than any which had preceded them, and much more perilous for those engaged in the conduct of public journals. As these were the existing rules when Mr. Buckingham arrived in Calcutta and set up *The Calcutta Journal,* I hope I shall be permitted to read them to the House, and also the circular letter which was then addressed by the Secretary to Government to the editor of every paper.

" *Circular Letter to Editors of Newspapers.*

" SIR.—His Excellency the Governor-General in Council, having been pleased to revise the existing regulations regarding the control exercised by the Government over the newspapers, I am directed to communicate to you, for your information and guidance, the following resolutions passed by his Lordship in Council.

"The editors of newspapers are prohibited from publishing any matter coming under the following heads :—

" 1st. Animadversions on the measures and proceedings of the Hon. the Court of Directors, or other public authorities in England, connected with the Government of India,—or disquisitions on political transactions of the local administration,—or offensive remarks levelled at the public conduct of the members of Council, of the Judges of the Supreme Court, or of the Lord Bishop of Calcutta, "2nd. Discussions having a tendency to create alarm or suspicion among the native population, or any intended interference with their religious opinions or observances.

"3rd. The republication, from English or other newspapers, of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India.

"4th. Private scandal and personal remarks on individuals, tending to excite dissension in society.

"Relying on the prudence and discretion of the editors for the careful observance of these rules, the Governor-General in Council is pleased to dispense with their submitting their papers to an officer of Government previous to publication. The editors will, however, be held personally accountable for whatever they may publish in contravention of the rules now communicated, or which may be otherwise at variance with the general principles of British law as established in this country, and will be proceeded against in such manner as the Governor-General in Council may deem applicable to the nature of the offence, for any deviation from them. The editors are further required to lodge in the Chief Secretary's office one copy of every newspaper, periodical, or extra, published by them respectively.

(Signed) "J. ADAM,
"Chief Secretary."

Such was the state of the press when Mr. Buckingham established his paper. Such were the rules to which he, as an editor, was bound by his licence to conform; and I ask any hon. Member who hears me, if it is not a mockery to assert and contend that a press subject to such rules was "free?" And yet, Sir, it is gravely alleged that Lord Hastings, by removing the censorship, established the freedom of the press. I maintain that, so far from removing the restrictions on the press, he actually increased them; and rendered the situation of an editor much more difficult, much more embarrassing, and much more perilous, than it had ever been before. Previously to 1818, the whole of the responsibility rested with the censor; and an editor was safe in publishing everything that escaped his vigilance. Not so afterwards. Editors are furnished with a terrific catalogue of prohibited matters; and, in the event of offending, are declared personally accountable, and liable to be punished according to the will and pleasure of Government. I will explain to the House the reason why the censorship of the press was removed. In the early part of 1818 there was a paper in Calcutta edited by a half-caste;—I need not say, that I do not use the word offensively, but as indicating a person born of an Indian mother and an European father. That gentleman was aware that, under the 53rd of George 3rd, he could not be transmitted for disobedience of the press regulations, and he held the Government at defiance. He published articles which had been struck out by the censor, and asserted his right to publish what he pleased—subject only to the English law of libel. It was not to be tolerated that an editor, because a half-caste, should arrogate to himself privileges that were not conceded to a British subject. Lord Hastings addressed the Home Government, stating the difficulty, and in the meanwhile, to escape from such embarrassment, removed the censorship, and framed the rules to which I have drawn the attention of the House. The censorship was thus abolished, not to render the press free, but because it was not sufficiently extensive in its application, and had failed in affording adequate control. Such, Sir, was the restriction, or, if you please, enslaved state of the press at Calcutta, when Mr. Buckingham set up his paper. The condition upon which he held his licence, and had permission to remain in Calcutta, was obedience to the regulations I have read; and yet, within a few months, that Gentleman thinks proper to discard these regulations, and to fasten upon an expression used by Lord Hastings, under the excitement of the moment, when returning thanks to an address from the inhabitants of Madras. When Lord Hastings returned from the upper provinces, after the successful termination of his campaign, the inhabitants of Madras presented him with an address, and, among other topics, adverted to his having removed the censorship from the press. It was always considered by editors irksome and humiliating to be compelled to submit every paper to the Secretary; and the removal of this necessity was regarded as a boon, though accompanied by the most stringent rules. Lord Hastings, in his reply, adverted to this subject; and, under the excitement of the occasion and the scene, indulged in a little flourish about the liberty of the Press, not very consonant with the rules he himself had framed. Mr. Buckingham thinks proper to consider this as a formal announcement of the liberty of the Press, and to disregard the rules and regulations formally framed for the guidance of all editors. I will ask the House, if anything could be more unfair or uncandid, than to have culled from the speech of that distinguished nobleman, an expression used in the moment of exultation when returning thanks to a complimentary address; and to contend, that he regarded such expression as annulling the regulations which had been deliberately framed and passed by the Government of which Lord Hastings was the head? Mr. Buckingham knew as well as I do, that it was not competent for Lord Hastings, by anything that he could either speak or write, to annul, alter, or in anywise affect a regulation passed by the Governor-General in Council. I beg to apologise for having dealt so much at length on the state of the Press when Mr. Buckingham established his paper; but the House will see that it is indispensably necessary they should be made acquainted with the rules and regulations then in force, and to which Mr. Buckingham was bound to yield implicit obedience. I will now call the attention of the House to the general conduct and character of *The Calcutta Journal;* and having been on the spot at the time, and having carefully read the evidence before the Committee, my opinion is, that the character of that paper was most dangerous and injurious—that it tended to bring the Government and public authorities into contempt in the eyes of the natives—and that it tended to create, and did create, disunion and dissensions in society. As editor of *The Calcutta Journal*, Mr. Buckingham arrogated to himself the right of arraigning all the measures of Government, and all public officers before the tribunal of what he was pleased to call "public opinion." He inculcated the doctrine, that it was vain and idle to apply for redress to the Government or constituted authorities, and invited all persons to appeal to him as the supreme arbiter; his paper was accordingly filled by anonymous letters—from persons purporting to be civil and military servants—of a tendency destructive of the efficiency and subordination of those services. He also admitted into his columns articles and letters containing personal remarks, which excited discord and dissension, and kept society in a state of feverish excitement. I do not mean to state, or impute to Mr. Buckingham, that such articles and letters were scandalous or libelous. They might, probably, have been inserted in a London newspaper without exciting attention or interest; but in India every one is known, and remarks that in England, might be harmless, would there excite feelings of animosity, destructive of the peace and harmony of society. Such is my opinion of the tendency and character of *The Calcutta Journal.* The authorities both in India and in England entertained, and have repeatedly expressed, a similar opinion; and I maintain that the evidence and documents produced before the Committee, bear me out in all I have said. Where, I ask, was "the public" in India—of which Mr. Buckingham vaunts, and to whose "opinion" he says he appeals, when holding up to obloquy public men and measures? It is mockery to talk of "a public," and "public opinion," in India. There is no public in India. There, every man is in office, civil or military, controlling those below him, and owing obedience to those above him. It is a society of public functionaries, but there are no elements to form a public. I suppose no hon. Member will tell me, that the military officers in the service of the King and Company form a public? As little can it be said, that the civil tenants form a public. That service is a kind of civil garrison, where, of necessity, discipline and subordination are preserved nearly as strictly as in the army. At the time referred to, who were then in India, besides the civil and military officers? None but 300 or 400 tradesmen and shopkeepers in Calcutta, with the few barristers and attorneys attached to the Supreme Court, and a few straggling Europeans in the interior, engaged in the manufacture of indigo. Is this, then, "the public," that is to control our mighty empire in the East, and to afford an adequate and salutary check to power that is absolute? The Government in India ought to be, and is, under the control of public opinion, but that public is in England, where measures originating in absolute power will ever be received with jealousy, and scanned with suspicion. This control is effected and secured by a system and gradation of checks. Every public measure is placed upon record, and the reasons for it fully assigned. Complete diaries of all public proceedings are thus kept, and regularly transmitted to the Court of Directors, and Board of Control, to whose vigilant inspection they are subjected. They are also accessible to the

Members of this House; and the appeal from injustice in India is to this House, and through this House to the people of England,—and not to the editor of a paper in Calcutta, and a discontented faction, by whom he may be supported, and which he may dignify with the name of "a public." I shall now call your attention to the first offence committed by Mr. Buckingham, or rather the first occasion on which Government felt compelled to notice his frequent violations of the press regulations I am anxious that the House should hear the early and distinct warning given to Mr. Buckingham; and, also, that they should contrast his mild, meek, and submissive tone on this occasion, with his subsequent arrogant defiance of Government, when continued impunity had rendered him daring. The offensive paragraphs were published the 26th of May, 1819, and, as hon. Members call upon me to read them, I will do so.

"We have received a letter from Madras, of the 10th instant, written on deep black-edged mourning post of considerable breadth, and apparently made for the occasion, communicating, as a piece of melancholy and afflicting intelligence, the fact of Mr. Elliot's being confirmed in the government of that presidency for three years longer. It is regarded, at Madras, as a public calamity, and we fear that it will be viewed in no other light throughout India generally. An anecdote is mentioned in the same letter, regarding the exercise of the censorship of the press, which is worthy of being recorded, as a fact illustrative of the calosity to which the human heart may arrive; and it may be useful, humiliating as it is to the pride of our species,—to show what men, by giving loose to the principles of despotism over their fellows, may at length arrive at."

Here is an article, announcing that the continuance of a certain governor in office is regarded as a public calamity, and imputing to that Governor, that his conduct had been governed by despotic principles, and had been influenced by unworthy motives. It is not necessary, for the purposes of this motion, that I should discuss the policy or the law of the press regulations, but, if requisite, I am prepared to do so. I refer you to the press regulations, and I ask if there could be a more flagrant violation of them than what I have read? On the 18th of June, a letter was written to Mr. Buckingham by the Chief-Secretary, from which I will beg permission to read an extract.

"The Governor-General in Council regrets to observe, that this is not the only instance in which *The Calcutta Journal* has contained publications at variance with the spirit of the instructions above referred to. On the present occasion, the Governor-General in Council does not propose to exercise the powers vested in him by law; but I am directed to acquaint you, that by any repetition of a similar offence, you will be considered to have forfeited all claim to the countenance and protection of this Government, and will subject yourself to be proceeded against under the 36th section of 53 Geo. 3rd. c. 155.

What is the statement of Mr. Buckingham before the Committee respecting this article? He says, that Lord Hastings did not consider it objectionable, and would never have noticed it, if Mr. Elliot had not written and remonstrated. Now, what is the fact as appears by the evidence? Two days after the publication of this offensive matter, Lord Hastings recorded a strong minute, and considered the article so objectionable, that he directed a reference to be made to the law-officers of Government. [Mr. *O'Connell*: What was their reply?] The Advocate-General stated, that however offensive and injurious the article might be, it would not be held libelous, and that Mr. Buckingham could not be indicted. Why that is my case—that is what I am contending for: that in India articles may be published, which are most dangerous and injurious, but which would not be held libels by an English Court of Justice, and thence the necessity for the press regulations. Now, let me read the reply of Mr. Buckingham:—

"I shall not presume to intrude on the notice of his Lordship in Council, any observations tending to the extenuation of my conduct in this or in any previous instance, as departing from the spirit of the instructions issued to the editors of the public journals in India at the period they were exempted from the necessity of previously submitting their publications to the revision of the Secretary to Government. I shall rather confine myself to observing, that I sincerely regret my having given cause to his Lordship in Council to express his displeasure; and the more so, as there is not an individual among the numerous subjects under his benign government, who is more sensible than myself of the unprecedented liberality which has marked his Lordship's administration in general, and the immense obligation which all the friends of the press owe to the measure of the revised regulation in particular. The very marked indulgence which his Lordship in Council is pleased to exercise towards me, in remitting, on this occasion, the exercise of the powers vested in him by law, will operate as an additional incentive to my future observance of the spirit of the instructions issued before the commencement of *The*

Calcutta Journal, to the editors of the public prints of India, in August, 1812, of which I am now fully informed, and which I shall henceforth make my guide."

Nothing could be more proper or becoming than this reply. I read it, not to reprobate it, but to contrast it with some of the statements of Mr. Buckingham, and with his subsequent conduct and language, when he hurls defiance at the Government, denies their right and power to transmit him, and ridicules, as waste paper, these very regulations which he here declares shall be his future guide. Mr. Buckingham states, and strenuously contends before the Committee, that when he set up his paper in October, 1818, he thought that the press was free and unfettered. Does he, in the first letter, pretend or allege that he imagined the press to be free? He does not deem it decent to attempt even an extenuation of his conduct. He expresses his regret at having offended,—his gratitude for the indulgence shown to him,—and promises in future obedience to the regulations; and shortly afterwards, in fulfilment of that promise, proclaims in his Journal, that those very regulations are of no more avail than waste paper, and that no editor is bound to obey or respect them. I will only trouble the House with one other article, published about a year afterwards, in November, 1820, headed "Merit and Interest." A reference was immediately made by order of Government to the Advocate-General, who stated that he considered the article as a libel on the Government and Administration of India, not only highly offensive in its terms, but mischievous in its tendency; and a rule *nisi* for a criminal information, was immediately moved for and obtained in the Supreme Court. I will not ask the House to take the character or description of that libel from the Advocate-General or from me. I will read to you how Mr. Buckingham himself characterised it. In writing to Government and begging for that mercy which was extended to him, he says—

> "Should this information be filed (as it will be almost impossible to escape coming within the strict legal definition of libel, though nothing could have been more remote from my meaning), I may be subjected to a fine of 500*l.* and twelve months' imprisonment, for a crime, in which, if it be one, I am so far from participating, that I have been the most active agent in endeavouring to counteract and expose the miserable calumny which I am accused of propagating with seditious intent."

And afterwards, in his own Journal, speaking of this article, he calls it "a violent and libelous article."

Mr. *Buckingham:* The article was not written by me, as editor, but by a correspondent, and published inadvertently.

Mr. *Hogg:* I think the hon. Member must be rather in error in stating that it was published, inadvertently; for in his own paper he states, as his excuse, that he published it only for confutation. These are Mr. Buckingham's own words; he published the libel only for confutation. This is a blessed doctrine for the editor of a paper! He deliberately publishes a gross and violent libel one day, that he may sit in judgment on it the next, and *ex cathedra* confute and condemn it. What would be said here, in free England, if the editor of the *Times*, or any leading paper, having published a libel, would dare to state that he had published it only that he might confute it? Sir, this is the most dangerous the most monstrous, doctrine that was ever heard of in any country. I hold in my hand a paper circulated by Mr. Buckingham, and containing extracts from the speeches of many distinguished individuals; and among others an extract of a speech of the noble Lord, the Secretary for the Home Department, in which that noble Lord states, that he was in possession of all the facts laid before the Committee, and that there was not one article in *The Calcutta Journal* (I quote the noble Lord's words "that would not do honour to any man possessing an honest zeal for the welfare of the community." Such is the declared opinion of the noble Lord, as to this article, which was pronounced a libel by the Supreme Court,—was declared a violent libel by Mr. Buckingham himself,—and was, by him, deemed of such atrocity, that if the prosecution had been proceeded with, he would have been subject to incarceration for twelve months and a fine of 500*l.* These, Sir, are instances during the e rly period of Mr. Buckingham's career, when, though he ventured frequently to transgress, he was always ready to express his contrition, and solicit forgiveness; and had not, from continued impunity, assumed the attitude of defiance. I told the House that I should confine myself to the general character of the paper, and I shall not intrude on their indulgence by going through all the offences committed by Mr. Buckingham, and all the warnings he received. I am well aware that when speaking of the general character of the paper, I shall be told by hon. Members opposite, "Oh! we cannot listen to you or the authorities you cite; you have all been long resident in India; you have all long breathed the atmosphere of despotism, and you have not escaped the contagion to which you have been exposed." This, Sir, is a convenient mode of disposing of the opinions of gentlemen, who from long residence in India, are surely the most competent to judge of the condition and circumstances of that country. But I ask, how comes it that any fresh importation from England became similarly infected? How comes it that the Bishop and the Commander-in-Chief, who had passed their lives in free England, were compelled to address the Government on the subject of *The Calcutta Journal*, and to require that the clergy might be protected from obloquy, and the army from insubordination? In July, 1821, the Bishop was compelled to address Government, complaining of an anonymous letter, charging the Chaplains with gross delinquency, and imputing to the Bishop, that he connived at the offence. So frequent were the anonymous letters, purporting to be written by military officers, and so dangerous their tendency, that in June, 1822, the Commander-in-Chief found it necessary to publish a General Order on the subject. For three years was the indulgence and clemency of Government extended to Mr. Buckingham, who was almost justified in mistaking forbearance for weakness, and in demeaning himself accordingly. In 1822, he not only transgressed the regulations, but boldly contended in his paper, and publicly proclaimed, that they were not binding, and that he owed them no obedience. He also publicly maintained, and proclaimed, that by law the Governor-General had no power or right to transmit an editor. Was it to be endured that the editor of a paper should thus set at defiance the Government, and hold up to scorn and ridicule, as waste paper, the regulations which he was bound to obey, and which, after his first offence, he declared should be the rule of his future conduct? Was it to be endured, that he should delude the ignorant and encourage the factious, by contending and dictating in his paper, that the Governor-General had no power to transmit for any offence committed through the Press, although he had again and again been referred to the Statute, which is as clear and distinct as language can make it;—and, after moreover, he himself had expressed his gratitude to Government for not putting in force against him the provisions of that very Statute? The hon. Member for Middlesex has contrasted the conduct of Lord Hastings with that of Mr. Adam, and has told you, that if Lord Hastings had remained, Mr. Buckingham would not have been sent from India. Now, Sir, what are the facts, and I will leave the House to draw their own conclusion? Every warning that was given to Mr. Buckingham, and every letter that was written to him, was while Lord Hastings was at the head of the Government. In the very first letter that was written to Mr. Buckingham by the order of Lord Hastings, and which I have read to the House, he is distinctly told, that a repetition of his offence will subject him to transmission. That warning and threat was again and again repeated; and will any man, who knew that great and distinguished individual, venture to assert, that he would have deigned to threaten what he was not prepared to perform? In September, 1822, while Lord Hastings was still in India, Mr. Buckingham received his final warning; and, as his next offence was accordingly punished by transmission, I trust the House will permit me to read part of the letter written to him on that occasion:—

> "Whether the Act of the British Legislature, or the opinion of an individual shall be predominant, is now at issue. It is, thence, imperative on the duty of the Local Government to put the subject at rest. The long-tried forbearance of the Governor-General in Council will fully prove the extreme reluctance with which he adopts a measure of harshness; and, even now, his Excellency in Council is pleased to give you the advantage of one more warning. You are now finally apprized, that if you shall again venture to impeach the validity of the Statute quoted, and the legitimacy of the power vested by it in the chief authority here, or shall treat with disregard any official injunction, past or future, from Government, whether communicated in terms of command, or in the gentle language of intimation, your licence will be immediately cancelled, and you will be ordered to depart forthwith from India."

Lord Hastings left India shortly afterwards, and the next offence was committed during the temporary government of Mr. Adam; but if Lord Hastings had remained, will any one contend, that he would have hesitated to discharge what he himself had declared to be an imperative duty? I had the honour and pleasure of knowing Lord Hastings well; and, however great the liberality and humanity of that distinguished nobleman, he would have scorned to dictate the threat I have just read to you, if he had not been prepared to execute it in the discharge of what he considered a public duty. It may be asked, why did Lord Hastings forbear so long?—why did he not send off Mr. Buckingham long before? I will refer you to his own words for the reason. He did not forbear because he had any doubts as to the dangerous character and tendency of *The Calcutta Journal.* He says, in a minute made by him on the subject, that he was reluctant to visit Mr. Buckingham with the last severity, "because he regarded him as the tool of a faction in Calcutta, that were arrayed in hostility against the Government." He thought that Mr. Buckingham, if left to himself, would yield obedience to the laws; and he hesitates and abstains, from feelings of compassion towards Mr. Buckingham individually, regarding him merely as an instrument in the hands of others. All the authorities, both at home and in India, were agreed as to the dangers to be apprehended from the abuses of a licentious press in India, and as to the necessity of adopting some strong measures of prevention. It is a strange coincidence, that on the 1st of March, 1823, the very day in which Mr. Buckingham embarked for England, Lord Liverpool, Mr. Canning, and Mr. Wynn, were assembled at Fife-House, and in a minute made there, recorded their opinions of the dangers to which the British power in India might be exposed by the abuse of a licentious press; and they distinctly state in that minute, that the transmission of the individual offending is the ultimate foundation on which any step that may be taken must rest for its support and efficiency. Let the House bear in mind, that there was no middle course—no matter how dangerous the articles published—no matter how calculated to bring the Government into contempt—to excite the alarm of the natives—to create insubordination in the army and dissension in society; still, if not indictable as a libel by the law of England, the Government had no power to prevent or control the publication of such articles, except by warning at first, and ultimately by transmission. The authority of the noble Lord the Member for Glasgow, the late Governor-General of India, has also been referred to, and you have been told that his opinions as to the press in India have already been evinced by his vote this Session in favour of Mr. Buckingham when the Bill was thrown out. I beg the attention of the House, while I read to them the opinions of that noble Lord, deliberately recorded by him so late as 1830. On the 6th of September, 1830, he recorded a minute on the subject of the press, an extract of which I will ask permission to read:—

> "To prevent, as far as may be possible, the publication of remarks (the disrespectful nature of which may be too certainly anticipated), that this despatch will call forth, it seems necessary that a prohibition should proceed from the Secretary to Government to all editors of papers, from admitting into their columns any observations whatever upon this official document."

And further on—

> "I have always said and thought that, as well with the liberty of the press as of the subject, it was indispensable for the safety of the empire, that the Governor-General in Council should have the power of suspending the one, and of transmitting the other, whenever the safety of the State should call for the exercise of such authority."

This was not the assertion of any bare abstract public principle. The noble Lord carried it into immediate execution; and, on the same day, he ordered the Chief Secretary to write to all the editors a circular which, as it is very short, I shall also ask leave to read:—

> "I am directed by the right-honourable the Governor-General in Council to acquaint you, that you are prohibited from admitting into your paper any comments on the letter from the honourable the Court of Directors, No. 37 dated 31st March, 1830."

Now, I should like to know what that noble Lord would have done if the editors had disregarded and disobeyed his injunction? But, still more, what would the noble Lord have done if he had deemed it necessary to repeat such injunctions, and the editors had persevered in disobedience? I know the noble Lord's humanity, but I also know his firmness in the discharge of his duty; and I am afraid that any offending editor would have been in imminent peril of losing his licence. From what I have already stated, the House will readily understand why

The Calcutta Journal had great circulation, and realised considerable profits. It is to be regretted, but it is not the less true, that the paper which contains the strongest animadversions on Government —the most violent strictures on public officers, and the most personal remarks—will always have the greatest circulation. I do not deny that *The Calcutta Journal* was conducted with ability; but the House must not suppose that Mr. Buckingham was the only able editor in Calcutta. There were then, many papers in Calcutta, conducted by men of great talents and learning; and some of whom now fill the highest stations both at home and in India. But these gentlemen then complained, and I now complain, that Mr. Buckingham had a monopoly of the articles I have enumerated. They obeyed the laws, and abstained from all strictures on Government and public men, and from all personal remarks, while Mr. Buckingham dealt in all those contraband commodities; and he, who calls himself the great enemy of all monopolies, for four years enjoyed the exclusive trade in articles, that were prized the more, because they were prohibited,—and thence the circulation of his paper. The hon. Member for Shaftesbury says, that Mr. Buckingham's only offence appears to have been, that he was more forward in liberality and legislation than his time, and that the Parliament of England have adopted and carried into execution many of the principles, for the assertion of which he was punished. Now, Sir, let us apply this doctrine and see its results. Suppose Mr. Buckingham, instead of establishing his paper, had arrived in Calcutta, in 1818, with a cargo of goods then contraband, but now legal—suppose he had said, that actuated solely by sentiments of benevolence, he had voyaged to India to supply the poor natives and his enslaved countrymen with what they required, on reasonable terms, and to defy and break down the infamous system of monopoly and exclusion which compelled them to deal with a rapacious company—suppose that his ship so freighted, had been seized, and that notwithstanding his patriotic professions, it had been confiscated, would you now hear him say to Parliament, "I led the way—I broke down the system—I adventured gallantly—and you, the Parliament, cannot say that I was wrong, for you have stolen and adopted my principles—restore to me my good ship and cargo, which was confiscated under laws which ought never to have existed, and which I was the first to assail?" Such, Sir, is the argument of the hon. Gentleman, as practically illustrated. I feel that I have trespassed on the time and indulgence of the House, but the story is a long one, and I endeavour to compress it as much as I can. On the 8th of February, 1823, Mr. Buckingham disregarded the last solemn warning he had received, again offended by animadverting on the conduct of Government in an appointment they had made, and on the 12th his licence was withdrawn by the order of Mr. Adam, then acting as Governor-General—[*Hear! hear!*] And notwithstanding that cheer, I say it is fortunate that Mr. Buckingham was sent home by such a man as Mr. Adam, as it excludes the possibility of establishing any charge of harshness or severity. Eminent for talents and attainments of the highest order, Mr. Adam was the proudest ornament of the distinguished service to which he belonged —benevolent almost to weakness—and generous almost to profusion—he was beloved with devotion while living—and now that he is gone, his memory is hallowed by blessings throughout the continent of India. This, Sir, is not the language of panegyric—it is the language of truth. I have not uttered a word to which my hon. Friend opposite, the Member for Ashburton, will not now more than bear testimony; and if my right hon. Friend, the Member for Kirkcudbright was in his place, he would pour forth his soul in eloquence, whilst dwelling on the talents and virtues of that distinguished and truly good man. I have stated, that on the 12th of February, Mr. Buckingham was informed that his licence was withdrawn, and on the 1st of March he embarked for England. This is the most important period in the case, and I entreat the attention of the House to the conduct of Mr. Buckingham, and the endurance of Government during this period. I have heard Gentlemen on both sides, say, "supposing it was necessary to send away Mr. Buckingham, why interfere with his property, and suppress his paper? My reply is,—" I deny that when Mr. Buckingham was transmitted, Government in any manner interfered with his property or papers." Nay, I declare, that Mr. Buckingham shall have my vote if any gentleman can show me that Government, either directly or indirectly interfered with him whilst making what arrangement he pleased on his departure. The case has been treated as if Mr. Buckingham had offended, and had been punished by transmission and the suppression of his paper; and the House and public have been thus misled. There are three distinct intervals in the case. The first, from the establishment of *The Calcutta Journal* till the transmission of Mr. Buckingham; the second, from the departure of Mr. Buckingham till the 4th of April, when the new press regulation was passed; and the third, from the passing of that regulation until November, when the licence granted under that regulation was withdrawn. On the 12th, Mr. Buckingham was informed that he must leave India; on the 14th, two days afterwards, he sneers at and defies the Government, both in his paper and in a pamphlet which he circulated. He boasts that by appointing, as editor, an Anglo-Indian, who is not liable to transmission, he has secured the independence of his paper. He invites the Company's servants to correspondence, and suggests the means of conducting it clandestinely. He also invites them to take shares in his paper, and suggests the means of holding them secretly. He speaks of his own transmission, and all the arrangements he has made, as a consummation devoutly to be wished; and adds his belief, that the circulation of his paper will thereby be greatly increased. Government might, if they pleased, have prohibited their servants from holding shares in a paper, placed under a management, that declared to be in defiance of the regulations—they might, if they pleased, have prohibited the circulation of the paper beyond the Mahratta ditch, or local limits of Calcutta. But I repeat, and beg the attention of the House to this fact, that although the Government did consider the conduct of Mr. Buckingham as most offensive and insulting; yet they did not, by word or deed, directly or indirectly, say or do anything that could in any manner affect the property in the paper, or interfere with the arrangements which Mr. Buckingham might choose to make. If we are to judge from Mr. Buckingham's triumphant exultation, and the rapidity with which he made all his engagements, we must suppose that he sought and courted the martyrdom of transmission, and had prepared himself for its consequences. On the 12th of February, that he is told he must leave India in two months; within five days he states that the transfer of his property has been made and completed, and in fourteen days he embarks for Europe. We come now, Sir, to the second interval—from the departure of Mr. Buckingham to the passing of the new press regulations. On the 14th of March, the new editor, Mr. Sandys, was apprized, that the character of *The Calcutta Journal* remained the same, and he was warned of the consequences. On the 4th of April the new regulation was passed, prohibiting any person to print or publish any public journal without having obtained a licence for that purpose from Government. This regulation was rendered necessary by the daring conduct of the new editor, from the perid when Mr. Buckingham, was ordered to leave India. I will not myself describe to you the conduct and character of the paper during this interval. I will give you its character from the lips of Sir Francis Macnaughton, one of the most distinguished Judges that ever sat on the Indian Bench—eminent not only for his talents and learning, but for his liberality and humanity, and referred to by Mr. Buckingham himself as a witness. When the new press regulation was presented for registry in the Supreme Court, it was opposed by Counsel, who appeared for *The Calcutta Journal*; and I hope the House will permit me to read a few extracts of what fell from Sir Francis Macnaughton when pronouncing the judgment of the Court. Adverting to the necessity of such a regulation he says:

> "That if this was not a case in which the enactment of a regulation was proper, he was at a loss to conceive how any regulation could be justified by its propriety. He went further, and declared some such one to be, in his opinion, absolutely necessary."

Then adverting to the editor being a half-caste, Sir Francis says—

> "If he had been a British subject, and committed an offence against the British Government to-day, he might be ordered to depart from the country to-morrow. Yet what is the insolent boast? That he is free from all control of Government, and amenable to this Court alone. That is, that he may print and publish anything, however seditious and destructive of the Government's authority; that he may continue such publications at pleasure; and that they cannot even be questioned until the next Session, which will be in June; and although a bill of indictment may be found against him, he may, perhaps, traverse over until October, giving him all the intermediate time to bring the Government into hatred and contempt, and to hold it in open defiance. The Government had thought proper to order Mr. Buckingham (the late editor of *The Calcutta Journal*) to be transported to his own country. He (Sir Francis) did not think himself at liberty to enter at all into the merits of

that proceeding. Sitting where he sat, it would be highly improper in him to give an opinion upon the question; it may be, at least, assumed that the order, in the opinion of Government, was proper. And what was the consequence? An immediate proclamation of defiance, a declaration that the paper should be continued upon its former plan, and on the same principles, because the editor to be appointed would not be within the reach of the Government's immediate authority. Nay, they went further, and announced the folly and weakness of the Government in having removed Mr. Buckingham from his office, and in not having so much sagacity as to discern that another editor might be appointed who would be free from their control, and that they had aggravated the evil of which they complained, by subjecting themselves to a greater annoyance in this country, and by sending Mr. Buckingham to another, where he could be a more formidable opponent; and that they had thus, instead of being exposed to one battery, placed themselves between two forces. He asked if any Government ought to submit to such insolence and outrage, or if such a one as this could be consistent with such a press?"

As we have heard so much about property, I entreat the attention of the House to what Sir Francis says on this subject:—

"As to the property of those who might have speculated upon profit to be derived from an abuse of the Government, it stood upon a very different footing. The Government is no guarantee to such an adventure. It may truly say, "*Non hæc in fœdera veni.*" The Government is free to act as it may think proper; but he hoped, if there was any body concerned in such a fund, that he would not be suffered to benefit by his speculation. If, like other funds, it was to rise as the State in hostility was reduced, and to advance upon every defeat of the enemy—the Government being that enemy—he trusted it would not be long before he saw an end of such a stock and of such a stock-jobbing."

What Sir Francis Macknaughton says is most true. The stock in trade was the abuse of Government; and you will presently see, that when this stock was withdrawn, the whole concern tumbled to pieces. On the 4th of April, after a long argument, the press regulation was registered by the Supreme Court; and after that registry, no person could print or publish any public journal without having previously obtained a licence. I have read to the House a description of the conduct of *The Calcutta Journal*, after the abdication of Mr. Buckingham, and while under the management of Mr. Sandys; and I ask the House, if they would be much surprised if they heard that Government, before granting a licence to such a paper, had required some alteration in its management. Here was an opportunity when the Government could have evinced their displeasure, and controlled the paper as they pleased. No such course was adopted. Mr. Sandys, the offending editor, applied for a licence, and obtained one immediately, without limit or restriction, on the same ground on which a licence was granted to the editor of any other paper then existing. I come now to the third interval—I mean the period from April, when the licence was granted to *The Calcutta Journal*, under the new regulation, until November, when that licence was withdrawn; and over this period I feel that I must hurry rapidly, having already trespassed too long on the kind indulgence of the House. On the 8th of April, the Commander-in-Chief was again compelled to interfere, to prevent publications inducing insubordination in the army. On the 18th of July, the Chief Secretary addressed Mr. Palmer and Mr. Ballard, the constituted attorneys of Mr. Buckingham, noticing seven violations of the law within thirteen days, and Mr. Palmer and Mr. Ballard replied, disclaiming any influence or control over the management of the paper—and thus compelling the Government to visit on those conducting the paper, and on the paper itself, any consequences arising from disobedience of the laws. On the 23rd of September, the Government was under the necessity of noticing the continued violation of the press regulation; and not wishing to suppress the paper, by withdrawing the licence, they ordered home the assistant-editor, Mr. Arnott, then residing in India without permission. This severe measure proved as unavailing as the milder warnings; the law continued to be broken and defied, and on the 6th of November the licence was withdrawn, and the paper could no longer be published. Here again, I deny, that the Government interfered with the sale of the paper; the attorneys of Mr. Buckingham might have sold it the next day, and would have done so, if they could have found a purchaser. Mr. Merton proposed to rent the premises and conduct the paper for a limited period; but after some correspondence, Government thought it right to refuse him a licence, because it did not appear that he would have the sole control. He afterwards made some arrangements with Mr. Buckingham's attorneys, and having sent in an affidavit, stating that he was sole-proprietor, he obtained a licence, and continued the paper, under the name of *The Scotsman*, in the East, for about seven months, when the paper died a natural death. I feel most grateful to the House for the attention with which they have been pleased to honour me; and I trust I have redeemed my pledge by showing that the House and the public have been misled and deceived by having this matter represented as one transaction—as if Mr. Buckingham had offended, and for that offence had been transmitted, and his paper suppressed, and his property ruined. I have shown you, that, for two years, Mr. Buckingham, in reply to repeated warnings from Government, expressed his contrition, and promised, in future, an obedience, which he never observed;—that, encouraged by impunity, he latterly defied the Government, denied their authority, and held up to derision and contempt their regulations; and that Government did not resort to the extremity of sending him home, till they were compelled to do so by his perseverance in a course which he well knew could lead to no other result:—that, when he was required to leave Calcutta, the Government neither directly nor indirectly interfered with his property, nor with the transfer and management of his paper, but permitted him to make his own arrangements, at a time when he was sneering at and defying them. I have shown you how offensive and insulting was the conduct of *The Calcutta Journal*, under the editorship of Mr. Sandys, from the departure of Mr. Buckingham until the registry of the press regulations; and that, notwithstanding such misconduct, a licence was granted to him, in common with all other editors. I have shown you that, after the granting of such licence, the law continued to be violated and defied by Mr. Sandys:—that Mr. Buckingham's friends and attorneys disclaimed having any control over the management of the paper:—that all warnings and threats were scorned and disregarded by Mr. Sandys:—that the contest at length was, whether the Governor-General in Council or *The Calcutta Journal* should be supreme;—and that the Government were thus reluctantly compelled to have resort to the last extremity, and withdraw the licence from the paper.

If *The Calcutta Journal* was so valuable as has been represented, how comes it that Mr. Buckingham's attorney did not immediately sell the good-will and stock in trade? How comes it that Mr. Merton, who attempted to continue the paper, was obliged to abandon it in seven months? I have already told you the reason, and will repeat it, because it is an answer to all that has been urged by Mr. Buckingham. For four years *The Calcutta Journal* attained extensive circulation, and realised considerable profits by a flagrant violation of the law, to which other papers yielded obedience. When the licence was withdrawn, and it became notorious that the Government was determined to vindicate its authority and enforce the law, the paper was deprived of an advantage that it ought never to have been permitted to have enjoyed. It was then, for the first time, placed in fair competition with the other Journals—to that competition it proved unequal,—and in seven months was abandoned as a losing concern;—and thus ends the history of *The Calcutta Journal*. Before sitting down, I will, with the permission of the House, draw their attention to a libel published at Madras, so lately as December, 1834; and I am anxious to do so, because all idea of danger, either to the State, or individuals in India, has been ridiculed. The letter I allude to is signed, "The East Indian Franklin;" and as a specimen, I will read a few extracts from it.

> "Let every one of us boldly determine, whenever a fair opportunity offers, to send an useless resident, a wicked collector, a sleeping member of the council, &c. to the * * let us mark every favoured servant of the John Company, or rather the embryos of the future John Company; and if we cannot, then let us mark them with the signs of our vengeance. Most of us have daily hundreds of opportunities to act the part of an E—— A——, and often with more impunity, or with perfect safety to our lives; if so, why should we hesitate to make a few embryos of the future John Company undergo the fate of a C—— C——."

I will tell you the persons indicated by the initials I have read. E. A. is Enam Ally, who murdered Colonel Coombs on parade, and C. C. is that Colonel Coombs, The letter thus concludes,—

> "Snatch the bloohy dagger with which our tyrants incessantly wound us, and show it to them; and if the sight of the blood they spill

do not turn their hearts, bury it deep into their bosoms."

This is a specimen of a "harmless, innocent libel," and published, too, within these two years. Mr. Buckingham stated before the Committee, that the persons composing the Petit Juries in India were residing with a licence revocable at pleasure, and intimated that Juries so composed were ever ready to find a verdict of guilty when persons in authority prosecuted. I hope, Sir, and believe, that Juries in India will ever discharge their duty fairly and honestly, and must deny, that they have ever shown the tendency imputed to them. On the contrary, their leaning and bias is all the other way. The Petit Juries consist of tradesmen and shopkeepers, having no communication with the services, or with persons in authority, and completely segregated from them; and I say that they are by no means prone to find a verdict upon the prosecution of a person in authority. In the very case I have read to you, what think you was the finding of the Jury? Their verdict was, "guilty of publishing, inadvertently," and strongly recommending the defendant to mercy. This verdict the Judge refused to receive, and then a verdict of "guilty" was returned, with a strong recommendation to mercy of the person who had admitted into his columns this atrocious libel. I have not addressed myself to the amount of compensation, because I feel assured it will be the opinion of a very large majority of this House, that Mr. Buckingham is not entitled to any compensation whatever, either from the East-India Company or the public. I beg, Sir, to repeat my apologies for having intruded at such length on the indulgence of the House, and my thanks for the attention with which they have been pleased to hear me.

Mr. *O'Connell* contended, that now the questions as to the circumstances of *The Calcutta Journal*, the amount of compensation to be paid to Mr. Buckingham, and the parties who were to pay it, were neither of them before the House, but the real and only question for consideration was the confirmation of the resolutions which the Committee had unanimously agreed to, after hearing the whole case opened and conducted by eminent counsel on both sides, and the examination of witnesses upon every point bearing upon the question at issue, which resolutions were drawn up by the hand of Lord Glenelg, then President of the Board of Control, and now the principal Colonial Secretary. It was not, for it could not be denied, that Mr. Buckingham had suffered a most grievous wrong, and was he without any legal remedy? The proudest despot on the earth could not with impunity injure or offend the poorest Englishman; there was in that House a tribunal—there was in England a moral force, which cast its protection over all who bore the English name, and surely it would not be alleged that Mr. Buckingham formed an exception to that rule hitherto deemed universal. The question was really not the amount of the compensation, but there did arise a very serious question between the East-India Company and the people of this country. At all events, there was one thing to which, as a Member of that House, he could not consent—namely, that a British subject should be ruined and robbed, and then told that a reformed House of Commons could afford no remedy.

Sir *John Hobhouse* said, that the present question had been already fairly and fully tried—had been decided by a competent and solemn tribunal; and now, if the present proceeding were successful, they must reconsider that decision in a totally different, and, as he would contend, irregular form, and annul it altogether. It had, on the previous occasion, been brought forward as a private Bill, and now it was to be considered in the form of a public resolution. He thought himself entitled to say, that he was as open as any Member of that House, to a claim of justice. It had been said that justice was blind, but he presumed it would hardly be contended that justice should have one eye open, and be alive only to the interests of the complainant. Justice he desired to have; but justice required that both sides should be heard. In his opinion, nothing could be clearer than that the case was strictly a private question, and he desired to know what grounds there had been laid for taking it out of the regulations according to which all private questions were discussed in that House. Then it was alleged, that the amount was of no importance; surely the amount which the hon. Gentleman, whom he was sorry to see in his place, ought to receive, was the question, or at least formed so very large and important a part of it, and was so intimately interwoven with the entire question, that no just or successful attempt could be made at a separation. Then if the House affirmed by its resolution the statement that the hon. Gentleman was entitled to 10,000*l.*, what became of the distinct assurance given on a former occasion, that the question then brought before the House was a private and not a public question? The House was, therefore, most seriously called on to deliberate respecting the course which it would pursue. First, the hon. Gentleman demanded 5,000*l.*—next, 40,000*l.*—then 10,000*l.*; the last was what he at present required, and under such conflicting demands, he professed himself at a loss to know how the House was to legislate. It was most unusual thus to come forward with a public resolution, when a private Bill had been lost, and even if the resolutions were agreed to, it would be mere waste paper, so far as its effects went upon the minds of the East-India Directors. One consideration urged upon the attention of the House was this truly—the resolution ought to be at once affirmed, because the Bill was on the former occasion defeated by an accident. What would the House think, if he were to come down and say, "A private Bill having been carried by an accidental majority, for compensating the hon. Member for Sheffield, the House ought to remedy that evil, by adopting a public resolution, with a view to deprive him of that compensation?" In spite of all the menaces of the hon. Member, and in spite of the letters the hon. Member might address to the electors of Nottingham, he meant conscientiously to discharge his duty. He hoped that on consideration his hon. Friend, the Member for Poole would not press this extraordinary question to a division. He could not be serious in that intention; it was impossible that he could be serious. There never in the history of Parliament was an instance in which the Legislature paid a set of men by a resolution, for to that it would come, since this resolution must be intended to be the basis of some Bill or other.

Mr. *Buckingham* was not about to give his opinion on this question, and he only wished to make an observation in answer to a complaint which the right hon. Gentleman had made, that he (Mr. Buckingham) was present while this matter was discussed. He hoped the right hon. Baronet would give him leave to state that this question was now being heard judicially, and he would ask if there was any instance known of a plaintiff being excluded from a Court of Justice while his cause was being tried. He denied having sent any threatening letters to any part of the country, and he disclaimed writing anything in the *Sheffield Iris*, reflecting on anybody for the course they had pursued in reference to this question. As to writing to Members of that House to request their attendance in support of the motion, he had the example of his Majesty's Government for doing that.

Mr. *Harvey* wished to ask a question of the hon. Member for Northampton, which would, if answered in the affirmative, place the point at issue in a very narrow compass. He had understood the hon. Member to say, that the solicitor of the East-India Company, so far from concurring in the correctness of the statement made by Mr. Buckingham, estimating the damage he had sustained at 40,000*l.*, had declared that it could not exceed 7,000*l.* or 8,000*l.* If so, that was an admission from the proper quarter, that a considerable sum of money was due to Mr. Buckingham.

Mr. *Vernon Smith*, in answer to the question put to him, said, that Mr. Peacock, when before the Committee, at first defended the whole case, and denied that Mr. Buckingham had any claim to compensation, and afterwards, supposing that the Committee had decided that Mr. Buckingham was entitled to compensation, he went to show, that admitting him to be entitled to some compensation, it could not exceed more than 7,000*l.* or 8,000*l.*

Mr. *George F. Young* thought that a moderate sum ought to be given to the hon. Member for Sheffield out of the public purse, because he had been injured by the public; but he objected to the source from which that remuneration would be provided by the resolutions, as the East-India Company was not to blame, since the Government, and not the East-India Company, appointed the Governor-General.

Major *Beauclerk* was surprised that the right hon. Gentleman, who was one of the Committee that reported in favour of Mr. Buckingham's claim, should pursue the course which he had adopted. He was surprised also that he should accuse the hon. Member for Sheffield of sending menacing letters—an accusation so grave in its nature, that he ought to be called upon to prove it at the bar of the House or elsewhere. It was not right or fair to throw out these personalities before the House.

Sir *John Hobhouse* remarked, that so far from being a Member of the Committee which reported in favour of Mr. Buckingham's claim, he was not even in Parliament at the time.

Mr. *Anderson Pelham* wished to ask the hon. Member for Sheffield, whether he himself, or some one else using his name, had sent him under an enclosure, addressed to him, three letters, with a request that he would forward them? He thought he had understood the hon. Member to say, that he had not sent any letters, but these bore the signature of "J. S. Buckingham."

Mr. *Buckingham* was desirous of explaining a subject which it appeared was little understood. The hon. Baronet had adverted to a threatening letter which it was alleged he (Mr. Buckingham) had sent to the *Sheffield Iris*, and of his having in that newspaper used menacing language to him with respect to his opposition to his claims for compensation. He had before distinctly denied, and he did still deny, that part of the charge, he never having done anything of the kind. Disposing of that part of the charge, he would next allude to the letters. He certainly had written some fifty or sixty letters, the tenour of which he would repeat. There was in doing so no attempt at concealment, they having been dated from his own house, signed by his own name, and addressed to those Members likely to take an interest in his case. The letters contained a statement of facts, a printed Report of the Parliamentary Committee, and an expression to the effect that he should feel happy if the hon. Member to whom it was sent would do him the honour to transmit the documents to his constituents, for them to deal with the subject as they might think fit. As the hon. Member had stated in his case, one corporation did and another did not entertain the petition; but the general result was, that from ninety to ninety-five petitions from England, Scotland, and Ireland were sent up to Parliament, signed by 25,000 individuals. In procuring their signatures no magic art had been exercised. He was not in a condition to spend money very liberally, as other hon. Members might be. The moral influence of the facts themselves had been the only influence employed, and those he had left to the judgment of the public.

Mr. *Baines* remarked, that the Committee came to an unanimous decision that Mr. Buckingham ought to receive compensation, and if they had not the power of giving it, why was the Committee appointed?

Mr. *Tulk* replied, that his right hon. Friend had appealed to him to withdraw his motion, a request with which he could not comply, and he could not but at the same time complain that this question, which was to have been treated as a neutral one, had been made a question of party. He could not but remark that the leader of the Government in that House was absent. He held in his hand an extract of the noble Lord's speech on a former occasion upon this subject. He did not know whether the noble Lord had paired off or not; but he knew that upon this subject he had expressed himself in the strongest manner, and that he had said, so far from attaching any blame to Mr. Buckingham, he thought his conduct highly honorable and praiseworthy, conformable to those rules of conduct and examples of freedom which ought to be held up to the imitation of his fellow-countrymen. Yet that noble Lord was not there to give the hon. Member the benefit of the expression of his opinion. He was sorry to think it; but he thought if it had been a question taken up by the other side of the House, there would have been more zeal displayed.

The House divided, when the numbers appeared:—Ayes 60; Noes 92; Majority, 32.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Baines, E.
Barnard, E. G.
Beauclerk, Major
Bentinck, Lord W.
Bernal, R.
Bish, T.
Blake, M. J.
Bowring, Dr.
Brady, D. C.
Bridgeman. H.
Brotherton, J.
Browne, R. D.
Cave, R. O.
Cayley, E. S.
Collier, J.
Curteis, H. B.
D'Eyncourt, rt. hon. C. T.
Ewart, W.
Fielden, J.
Fitzsimon, C.
Gaskell, D.
Grattan, H.
Harvey, D. W.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Ingham, R.
Lister, E. C.
M'Leod, R.
Maher, J.
Musgrave, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, M. J.
Palmer, General
Parker, J.
Parrott, J.
Pease, J.
Potter, R.
Poulter, J. S.
Pryme, G.
Richards, J.
Roche, W.
Rundle, J.
Scholefield, J.
Stuart, Lord D.
Stuart, Lord J.
Stuart, V.
Talbot, J. H.
Thompson, Colonel
Trelawney, Sir W.
Wakley, T.
Wallace, R.

Walter, J.
Warburton, H.
Wason, R.
Williams, W.
Wyse, T.

TELLERS.

Hume, Mr.
Tulk, Mr.

List of the Noes.

Adam, Sir C.
Alsager, Captai
Angerstein, J.
Archdall, M.
Bailey, J.
Bainbridge, E. T.
Baring, F.
Barnaby, J.
Blackburne, J.
Blackstone, W. S.
Bonham, R. F.
Bramston, T. W.
Brownrigg, S.
Campbell, Sir J.
Chandos, Marquess of
Chichester, A.
Chisholm, A. W.
Denison, J. E.
Dillwyn, L. W.
Duffield, T.
Duncombe, Hon. A.
Dundas, Hon. T.
Egerton, W. T.
Elley, Sir J.
Estcourt, T.
Estcourt, T.
Ferguson, Sir R. A.
Forbes, W.
Forster, C. S.
Fort, J.
Gaskell, J. M.
Geary, Sir W.
Gladstone, T.
Hale, R. B.
Halse, J.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Henniker, Lord
Hobhouse, rt. hn. Sir J.
Hogg, J. W.
Howard, P. H.
Hoy, J. B.
Jackson, Sergeant
Inglis, Sir R. H.
Johnstone, J. J. H.
Irton, S.
Kearsley, J. H.
King, E. B.
Law, Hon. C. E.
Lefevre, C. S.
Lucas, E.
Manners, Lord C. S.
Mostyn, Hon. E.
Nicholl, Dr.
North, F.
O'Ferrall, R. M.
Parker, M.
Pelham, Hon. C. A.
Perceval, Colonel
Pigot, R.
Pinney, W.
Plumptre, J. P.
Plunkett, Hon. R. E.
Pollen, Sir J. W.
Praed, W. M.
Price, S. G.
Rickford, W.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Scott, Sir E. D.
Scott, J. W.
Scourfield, W. H.
Seymour, Lord
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Spry, Sir S. T.
Townley, R. G.
Trevor, Hon. A.
Turner, W.
Vivian, J. E.
Walpole, Lord
West, J. B.
Whitmore, T. C.
Wilkins, W.
Williams, R.
Wilson, H.
Wodehouse, E.
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.

Smith, Mr.
Baring, Mr.

Paired off.

FOR.	AGAINST.
E. W. Pendarves	H. Goulburn
J. J. Guest	J. G. Heathcote
Alderman Wood	Hon. S. R. Lushington
T. F. Buxton	R. Sanderson
Captain Dundas	J. M. Fector
Sir S. Whalley	J. A. Smith
O'Conor Don	E. J. Stanley
A. Lynch	J. Young

Charitable Trusts.] Mr. *Vernon Smith* moved for "leave to bring in a Bill for the election of Charitable Trustees in the corporate towns in England and Wales." Some such measure as the present was rendered necessary by the Act which passed last Session, "for the better regulation of Municipal Corporations in England and Wales." The House would remember that, in the discussions on that Bill in this House, it was the general object to separate the management of the Charitable Trusts from the immediate control of the Town Councils; and clauses were introduced for that purpose by the noble Lord, the Home Secretary. In the House of Lords, however, Lord Lyndhurst had proposed that these clauses should be expunged from the Bill, on the ground that Lord Brougham had then before that House a Bill "for the Regulation of all Charities, and for the Extension of Education," and in consequence the clauses were withdrawn. Clauses were substituted of a temporary nature, providing that, until August this year, these trusts should remain under the control of the Corporations, and that after that period the nomination of trustees should be vested in the Lord Chancellor, or in the Commissioners of the Great Seal for the time being. Now it was obvious that the Legislature never intended that either of these arrangements should be permanent. The latter would lead to great expense and delay; while it was not to be expected that the Legislature should, after it had been declared that the Corporations were unfit to manage their corporate funds, vest these corporations with the management of the Charitable Trusts belonging to the several towns of England and Wales. It was therefore, with a view of making a permanent provision for the management of these funds that the present Bill was introduced—a Bill which would not in the slightest degree interfere with the working of any Bill that might hereafter be introduced for the general regulation of charities. He proposed that these charitable trusts should be vested in Local Commissioners, but with a view to counteract, as far as possible, the influence of political feelings in the election of the new trustees, the Bill would provide that they should be chosen in the way the auditors were now, and not as were the town councillors—namely, every individual in the constituency would be entitled to a vote, but only for half the number required, which should be fixed by the

Town Council. He proposed to leave to the Town Council the power of fixing the number of Commissioners, a certain number going out annually by rotation, but the number would always be one divisible by three. He also proposed to leave it to their own discretion to fix the times of their meetings. In order to keep up some correspondence with the Town Council which might sometimes be useful, he proposed that the mayor should be *ex-officio* one of the Trustees: and he did not exclude Town Councillors from that body, if the burgesses chose to elect them Commissioners, but it was his (Mr. Vernon Smith's) desire, by every means in his power, to separate the management of these trusts from the political discussions of the Corporations; and it was, therefore, provided, that the treasurer of the Corporation should not be the treasurer of the Commissioners, and that in general all the officers of the two bodies should be distinct.

Colonel *Sibthorpe* did not rise to oppose the introduction of the Bill, but he hoped ample time would be given for its discussion, as it was a most important measure.

Mr. *Potter* expressed his great satisfaction that a measure of this kind had been introduced.

Leave given.

HOUSE OF COMMONS,

Wednesday, *June* 8, 1836.

MINUTES.] Bills. Read a first time: Murderer's Execution. Read a second time: Steam Vessels (Thames) Bills. Recovery of Tenements; Chapels of Ease (Ireland); Copyright Act Amendment.

Petitions Presented. By Mr. T. ATTWOOD, from Birmingham, for the Removal of Disabilities affecting the Jews, for Ameliorating the Criminal Code, and for an Equalization of the Duty on East and West India Sugars.—By several HON. MEMBERS, from various places, the House to adhere to the Provisions of Municipal Corporations (Ireland) Bill, as originally passed by the Commons.—By Mr. E. TENNENT and LORD CASTLEREAGH, from several places in Ireland, to pass the Bill as agreed to by the Lords.—By several HON. MEMBERS, from various Places, for Abolition of Church Rates.—By Mr. W. WILLIAMS, from Attornies and Solicitors of Coventry, for Repeal of Duty on Certificates.—By several MEMBERS, from various places, for an Alteration in the Factories Regulation Act—By SIR C. B. VERE, from Aldborough, for Alteration of Fisheries Bill, and from Ipswich, that in the proposed Alterations of Paper Duties, a Drawback may be allowed on Stocks in hand.—By several HON. MEMBERS, from various places, for Lord's-day Bill.—By Mr. LOCH, from Naim, for Alteration of Law of Statute Labour (Scotland), and from Ross and Cromarty, for Reduction of Duty on Spirit Licences (Scotland).—By Mr. WOODHOUSE, from Western Division of Norfolk, for Poor-laws for Ireland.—By Mr. MORGAN O'CONNELL, from Rakfigh Laracor Gallow, for Abolition of Tithes (Ireland).

LANDLORDS (IRELAND)]. Mr. *Emerson Tennent* had to pray the attention of the House to a matter, which, though not immediately connected with the petition he had just presented, was a portion of those attacks which had lately been made upon the private character of the Irish Landlords, and he hoped to be conceded that courtesy which was always extended to a Member on a question of a personal nature. The Gentleman of whom he had to speak, was Mr. M'Neale, of Carlingford, in the county of Louth, whose character as a landlord one would have supposed was so well known in Ireland as to protect him from such factious assaults. Of this Gentleman, the hon. Member for Dundalk (Mr. Sharman Crawford) was pleased to state, a few evenings back, that from political irritation against one of his tenants, who had voted contrary to his wishes, he had with his own hands set fire to and burnt the turf which the poor man had prepared for his winter firing. Now, the facts of the case which had been thus misrepresented were simply these:—Mr. M'Neale had early in the year 1826, and long before the period of the election in question, dismissed from his service, for misconduct, a man called Mills, who was a tenant on his estate, and a labourer in his employment. The turf-bog on Mr. M'Neale's property, it so happened, was the most valuable portion of his lands, letting so high as from 4*l*. to 7*l*. an acre, and was specially reserved in all his leases, permission to cut it being required and granted by favour only to his tenants. This favour Mr. M'Neale, on discharging Mills from his service, told him he should no longer enjoy as his tenant, and he at the same time warned him that if he persisted, contrary to his orders, to cut turf, he (Mr. M'Neale) would himself burn it, as he had been in the habit of doing towards all persons who presumed to cut in his turf-bog, without his permission. And to prove that Mills was aware of the withdrawal of his permission, he sent his son in the May following still before the Louth election, to entreat permission, which was again refused, and Mr. M'Neale's determination to burn it himself was repeated, if his father should attempt to proceed contrary to his order. When the election came, in July, Mills actually sent to Mr. M'Neale to request permission to vote along with the rest of the tenants, but Mr. M'Neale sent his bailiffs to tell him, that he would not even permit him to walk into Dundalk in company with them, and that if his single vote would secure the return of both his friends, Mr. Leslie Foster and Mr. Fortescue, he would not accept of it. As to any subsequent conduct of Mr. M'Neale, therefore, being in revenge for Mills' withholding a vote, which he had already scorned to secure, the idea was too ridiculous to be entertained for a moment. Subsequently to the election, however, Mr. M'Neale was informed by his bailiff, that, contrary to his express commands,and notwithstanding Mr. M'Neale's reiterated warnings of the consequence, Mills had actually entered on the bog, and cut and prepared his turf, upon which Mr. M'Neale, in observance of his own previous warning, proceeded to the lands and destroyed it. For this he was summoned to the petit sessions on a charge of larceny, when the idle charge was dismissed. The Roman Catholic Association then took up the matter, and Mills was supplied with the means of annoying his landlord by instituting proceedings in the superior Courts. Mr. Holmes and the hon. Member for Tipperary (Mr. Sheil) were counsel for the plaintiff, who was actually nonsuited on the evidence of his own son. He could make no observations on this case so powerful, as a few sentences from a statement of Mr. M'Neale himself, which he begged the House would permit him to read to them.

Mr. *Hutt* rose to order. He would appeal to the hon. Member, whether he would take up the time of the House with such statements.

Mr. *Emerson Tennent* would appeal to the hon. Member, whether, if his character were assailed in such a public assembly as the House of Commons, he would not be anxious to remove the slanders heaped upon it? The hon. Member then proceeded to read the following statements of Mr. M'Neale:—"Mr. Sheil made a long speech in court against me, but in the evening sent his friend (Mr. Peter Colman) to me to assure me, that he meant nothing personal in his speech, and that he hoped, if he had made use of any expressions to hurt my feelings, I would forgive it, as his speech was a political one, and meant for the people of England in favour of emancipation. Since I came of age, thirty-three years ago, I have only had occasion to turn three tenants from my property—Mills being one, and two Thompsons both Protestants, but of bad character. I defy Sharman Crawford to prove one act of oppression against me, towards any of my tenants. I have lived all my life on or near my property, and spent my income amongst my tenants. At the election for Louth, in 1826, neither the threats and curses of the priests, nor the mob could seduce any of my Catholic voters from me, except in one solitary instance of a man who took a large bribe, as he afterwards acknowleged to me. When the late Mr. Richardson was returned for the county of Armagh, I polled for him thirty-seven Catholic tenants out of forty—two were ill, and one in England, although they were cursed and threatened by priests in my presence, who also offered them large bribes. During the election for Louth in 1826, whilst attending one of my Roman Catholic freeholders to the hustings, we were surrounded by a number of priests near the court-house, many of whom asked my tenant, if he was going to desert his creed and his Saviour, and to send his soul to hell. I could wish Mr. Sheil were asked in his place in the House of Commons, if my statement with respect to Mills is not correct. False and unfounded as this attack of Mr. Crawford is, it is not without a malignant object. It is meant to injure me with the Government, whose servant I am, as I still hold a commission in the revenue, and at present my memorial is before the Treasury, praying for a retired allowance on the abolition of my situation at Carlingford." The hon. Member for Tipperary could, he had little doubt, respond satisfactorily to this appeal of Mr. M'Neale, and do justice to the reputation of an injured gentleman. Such were the simple facts of a case which had been unwarrantably misrepresented, for the purpose of injuring the character of Mr. M'Neale as a landlord; and singularly enough, and as if to prove the groundlessness of the charge brought by the hon. Member for Dundalk, that Mr. M'Neale could be actuated by such motives, Mills was at present a freeholder in Dundalk, and voted for the hon. Member, but became a bankrupt after being nonsuited; Mr. M'Neale was appointed his assignee; he still owed him 60*l*., and, were he so disposed, Mr. M'Neale could at this moment sell the very freehold out of which he voted for the hon. Member, and deprive him of his franchise.

Mr. *Sheil* said, that he would very briefly state his recollection of an occurrence that had taken place now more than ten years ago. He remembered very well that Harry Mills—that was the man's name—made a complaint to the association that he had been turned out of his holding, in consequence of his having voted for Mr. Alexander Dawson. Mills was a tenant of Mr. M'Neale. There had been a quarrel between them previous to the general election in 1826. The matter was brought to trial, and there certainly was a verdict for Mr. M'Neale, but the verdict was returned on a point of law, as it was held that Mills had no property in the turf. It was undoubtedly considered a very extraordinary proceeding on the part of Mr. Wolf M'Neale, that he should assemble a number of persons, and go, in the broad open day, and with his own hands set fire to this man's turf. That was all that he knew of the case.

Mr. *Potter* said, that it would appear, from the speech of the hon. Member for Belfast, that Irish landlords consider themselves entitled to the votes of their tenants.

Subject dropped.

Herring Fishery.] Mr. *Loch* had two petitions to present of rather an important nature. One was from the merchants and fish-curers of Wick, in the county of Caithness, and the other from similar parties in the town of Cromarty. The petitioners complained of the loss of the market which they formerly had for their fish in the West-India Islands, and of the impossibility which they found of opening new markets on the Continent. They complained especially that the markets of Russia and Belgium were shut against them. Seeing his hon. Friend, the Vice-President of the Board of Trade, in his place, and knowing that his hon. Friend was aware of the distress of the petitioners, he need not urge their case on his attention. It was most unjust, now that Belgium was separated from Holland, that the Dutch should retain the monopoly of that market.

Mr. *Labouchere* could assure his hon. Friend that the attention of the department with which he was connected had been, and still was, directed to the subject to which the present petitions referred. The Board of Trade was fully impressed with the importance, in a national point of view, of giving every encouragement and protection that it possibly could to the fisheries of the country. He had been assured that it was impossible, by any alteration or new regulation, to remedy the evil of which the petitioners complained, with regard to the West Indies. They still possessed a monopoly in the West-Indian islands for the exportation of their herrings, and if the market for them had diminished there, it would be impossible by a legislative measure to re-establish it. With regard to the foreign monopoly of which the petitioners complained, he was not without hopes that something might be done to improve the condition of the trade in that respect. He had had interviews with deputations connected with this branch of the national industry, and it appeared to him, from representations then made to him, that the regulations that existed in Russia with respect to this trade were exceedingly unfavourable, and extremely unfair, as regarded the British fisheries. There were three descriptions of herrings imported into Russia—the Dutch, the English, and the Norwegian, and the difference in the duties levied on them was remarkable. The value of the Dutch herrings was nearly three times greater than that of the English, while the difference in value between the English and Norwegian varied from 5 to 10 per cent. Now, the duty levied on the Dutch and English herrings was the same, and amounted almost to a prohibitory one. They were classed together, and 9*s.* per barrel was levied on them, while the Norwegian paid only 2*s.* 3*d.* per barrel. He begged to assure his hon. Friend that no time should be lost, should these statements prove to be correct, in making such representations to Russia on the subject as he hoped would be attended with a beneficial result. He believed that at present the herrings of this country were so well cured, that they only required to be put on a fair footing to force their way against any other herrings there. The Belgian market was of considerable importance to the English fisheries, and the Government should lose no opportunity for promoting the interests of this branch of our national industry in that quarter.

Captain *Pechell* said, that if the tithe were taken off the Norfolk herrings, they would beat the Dutch in the market.

Mr. *Loch* said, he was sure the statement of his hon. Friend would give the greatest satisfaction to the petitioners.

Petitions laid on the table.

Bribery at Elections.] The House

went into Committee on the Bribery at Elections Bill.

On that part of Clause 3 which subjects a person guilty of bribing another to a penalty of 500*l.* for each offence,

Mr. *Hume* said, that if it were desired that the penalty should be enforced and recovered, it should be a moderate one; but if the penalty was a heavy one, it would not be enforced.

Sir *C. Burrell* was understood to say, that there was scarcely any instance in which the penalty of 500*l.* in such cases was recovered.

Mr. *Pryme* concurred in thinking that a severe penalty would defeat its object. He would move, as an amendment, that the sum of 50*l.* instead of 500*l.* be substituted.

Mr. *Hardy* said, that if the penalty were reduced to so small a sum, it would give a great opening to bribery, for such a penalty if inflicted on a person administering the bribe, would be at once paid by the candidate

Mr. *Pryme* said, that his object was to make the Bill more effective, by having a fine that would be imposed. Did the hon. and learned Member know the facts connected with the 500*l.* penalty? They were told, he believed, by the right hon. Gentleman, the Member for Montgomery. When the Bill was first proposed the penalty was a moderate one, but an hon. Member, who was opposed to the whole Bill, moved that the penalty be 500*l.*, in the hope that if so high a penalty was attached to the offence, the Bill would be abandoned by its promoters, but rather than lose the Bill they adopted the amendment, and it passed. Would a penalty of 100*l.* suit the views of the hon. and learned Member?

Mr. *Hardy*:—If the penalty be small, parties would not sue for it, for in that case they would get little more than would cover their own costs.

Amendment negatived; Clause agreed to.

On the 4th Clause, enacting "That if any person shall, at any time after the passing of this Act, directly or indirectly give, offer, or allow, or in any way promise to or for the use or advantage of any voter, any gift, reward, or compensation of any kind, as a consideration in whole, or in part, for any loss of time in travelling to or from, or in attending at any such election for the purpose of voting, he shall, for every such offence, forfeit the sum of 50*l.*"

Lord *Stanley* objected to this clause, as it would prevent the payment of *bonâ fide* election expenses; and it was well known that many voters would not go to the poll unless the expenses of their conveyance was paid. There might be a *maximum* fixed for such expenses to prevent corrupt practices, but they ought not to prevent the payment of what were purely lawful expenses.

Mr. *Roebuck* differed from the view taken by the noble Lord. The election was the business not of the candidates, but of the electors, and the candidate ought not to be asked to pay anything. The chief object of this Bill ought to be to prevent such payment.

Mr. *Hardy* said, that his chief object in the clause was to prevent any money passing from the candidate to the electors, or that any pecuniary transactions should take place between them.

Mr. *Roebuck* moved as an amendment, that the words "as a consideration in whole or in part for any loss of time in travelling to or from, or in attending at, any such election for the purpose of voting," be omitted. The hon. Gentleman said, that he did not wish by this alteration to prohibit candidates from bringing the voters up to the poll, but to prevent them from giving any distinct sum of money to any voter.

Mr. *Grattan* protested against the extension of this amendment to Ireland. The object of it would be to prevent the travelling expenses of the voters from being paid, and it would then be impossible to have an election.

Mr. *Heathcote* should give his most decided opposition to the proposal of the hon. Member for Bath, as it would bear very hard on the poorer class of voters, who were not able to pay their own expenses.

Mr. *Aglionby* defended the amendment, which he thought would prove very beneficial. Its object was not to prevent voters being conveyed to the poll at the expense of the candidates, because, in the present state of the election law, it would be quite impossible to prevent it.

Mr. *John Young* was quite satisfied, that if this amendment were adopted, the practical result would be that a very considerable portion of the county constituency, more especially in Ireland, would be disfranchised, as the poorer classes could not afford to pay for travelling to the poll, Mr. *Hardy* would move a proviso, "that nothing herein contained should prevent candidates or other persons connected with them from providing conveyances for voters to and from the poll at their election." This he hoped would meet the object proposed by the hon. and learned Gentleman.

Mr. Roebuck must press his own amendment.—

The Committee divided on the original question:—Ayes 65; Noes 58; Majority 7.—Clause agreed to.

Clause 5 was then proposed, enacting "That if any person shall at any time after the passing of the act, by himself, or by or with any person, or by any ways, means, or devices, or any colour, excuse, or pretence whatsoever, directly or indirectly give, present, allow, provide, or procure, or promise, engage, or agree to give, present, allow, provide, or procure any meat, drink, entertainment, or provision to or for any person, with the intent or for the purpose of thereby corruptly influencing such or any other person to give or to refuse, or forbear to give, his vote in any such election, or for the purpose of corruptly recompensing such or any other person for having given or refused, or forborne to give his vote in any such election, every person so offending in any respect shall for every such offence forfeit the sum of *50l.*"

The Committee divided: Ayes 33; Noes 40—Majority 7.

Clause struck out of the Bill.

The House resumed, the Committee to sit again.

POOR RELIEF (IRELAND).] On the Order of the Day for the Committee on the Poor Relief (Ireland) Bill being read,

Sir *Richard Musgrave* said, that, as he understood it to be the general feeling of the House, that this subject should be brought forward by his Majesty's Government, and as he believed it to be the intention of the Government to bring forward a measure on the subject, he would withdraw his Bill if the noble Lord, the Secretary of State for Ireland would declare in his place that the subject was under the consideration of the Government, and that it was their intention, either in this Session or early in the next, to introduce an efficient poor law for Ireland.

Lord *Morpeth* said, he quite approved of the course taken by his hon. Friend, the Member for the county of Waterford with respect to this Bill, and he had no difficulty in assuring him that the subject was under the immediate consideration of the Government, and that he was not without hope of their being enabled to introduce some preparatory steps in the present Session; but, at all events, they would take the first opportunity in the next Session of introducing what he hoped would be a complete and satisfactory measure.

Mr. *W. S. O'Brien* said, that in consideration of the pledge given on the part of his Majesty's Government, he would follow the example of the hon. Baronet, the Member for the county of Waterford, and withdraw his Bill relative to the poor of Ireland, when the proper time came.

Mr. *P. Scrope* would also follow the same example.

The three bills for relieving the poor of Ireland were put off for six months.

FISHERIES.] On the Motion of Captain Pechell, the Fisheries' Bill was recommitted.

On the Question, that the 3rd Clause stand part of the Bill,

Captain *F. Berkeley* said, on the ground that this clause would go, by the restriction which it enforced as to the size of the nets to be used, to inflict serious injury on the poorer classes of fishermen of this country, he felt bound to oppose it.

Lord George Lennox said a few words in opposition to, and Mr. Elphinstone in favour of the clause.

Captain *Pechell* defended the clause as being absolutely necessary for the protection of the fisheries, while at the same time power was given to the Magistrates of Quarter Sessions, if they should think fit to do so, to take off the restriction with respect to the use of seine nets.

Captain *F. Berkeley* still considered that the effect of the clause could only be to deprive the poorer class of fishermen of their bread, and therefore he felt it to be his duty to take the sense of the Committee upon it.

The Committee then divided on the Clause: Ayes 51; Noes 13—Majority 38. Clause agreed to.

The House resumed. The Report to be received.

HOUSE OF LORDS,

Thursday, June 9, 1836.

MINUTES.] Bills. Read a third time:—Postage Duties,—

Read a second time:—Waste Lands (Ireland).—Read a first time:—Bankrupts Fund.

Petitions presented. By the Earl of Rosebery, from Edinburgh, against the Bankrupts' Estates (Scotland) Bill.—By Lord Strafford, from Worthing, for Sale of Bread Bill.—By the Earl of Burlington, from various Places, for the Better Observance of the Sabbath.

Writs of Rebellion. (Ireland.)] The Earl of *Wicklow* said, he had on Monday evening given notice to their Lordships, that he would to-morrow move for documents relative to certain proceedings in the Court of Exchequer in Ireland, but when he gave that notice he was not aware of the fact that there was an appeal before their Lordships touching that particular subject. Now, though his Motion would not affect that case, yet he could not answer for the turn the discussion might take, or for the observations which might fall from others, and he should be sorry that such a Motion should lead to anything like a prejudging of the case. He, therefore, had no other course to adopt but that of requesting their Lordships to allow him to withdraw the notice. He must, however, observe, that the case stood very low on the paper, and most probably, if something were not done to expedite it, the question would not be settled in the present Session. It was, however, most important to the individual that this question should be decided speedily. If it were not, it would occasion very great inconvenience to the party whose interests were concerned. He therefore hoped that some steps would be taken to expedite the cause. If, however, that were not done, he certainly should bring the subject before their Lordships.

The *Lord Chancellor* said, it was perfectly true that there was such an appeal pending before their Lordships, and also that it was very low on the paper. If some steps were not taken to expedite it, the case could not be decided in the present Session. It was very important that it should be speedily decided, and for that purpose he thought that their Lordships ought to adopt some measure.

Subject dropped.

HOUSE OF COMMONS,

Wednesday, June 9, 1836.

Minutes.] Petitions presented. By several Hon. Members, from a great Number of Places, for the Abolition of Tithes (Ireland), and for the House to adhere to the Irish Municipal Reform Bill, as originally passed by the House.—By several Hon. Members, from Various Places, for the Abolition of Tithes (Ireland).—By Mr. Fellowes, from Doddisioinbesleigh, against the Tithes Commutation Bill.—By Mr. Rooper, from St. Neot's, for Abolition of Church Rates.—By several Hon. Members, from Various Places, against Turnpike Trusts Consolidation Bill.—By several Hon. Members, from Various Places, for the Amendment of the Factories Regulation Act.—By Mr. Wakley, from the Retailers of Beer in St. Marylebone, to place them on the same footing as Licensed Victuallers.—By Mr. Morgan O'Connell, from the Spirit Dealers of Kavan, against Excise Licences (Ireland) Bill.—By several Hon. Members, from Various Places, for the House to adhere to the Irish Municipal Reform Bill, as originally passed by that House.

Landlords (Ireland)—Mr. M'Neale.] Mr. *Sharman Crawford*, in presenting a petition from Downpatrick, said, that he would take that occasion to notice a charge which had been preferred against him yesterday evening in the House; he referred to the report of a speech of the hon. Member for Belfast, which appeared in *The Times* newspaper of that morning.

The *Speaker* reminded him, that it was irregular to refer to such reports.

Mr. *Sharman Crawford* would then merely say, that he understood the hon. Member for Belfast had made the following statement, which he found in *The Times*:—"The gentleman of whom he had to speak was Mr. M'Neale, of Carlingford, in the county of Louth, whose character as a landlord, one would have supposed, was so well known in Ireland as to protect him from such factious assaults. Of this gentleman the hon. Member for Dundalk (Mr. S. Crawford) was pleased to state, a few evenings back, that from political irritation against one of his tenants, who had voted contrary to his wishes, he had with his own hand set fire to and burnt the turf which the poor man had prepared for his winter firing." The hon. Member for Belfast, after this, had read a statement from Mr. M'Neale in which that gentleman accused him (Mr. S. Crawford) of doing this from a malignant motive—from a desire to injure him with His Majesty's Government. Now, he would confidently appeal to the House, whether he had ever mentioned the name of Mr. M'Neale in any statement he had made to the House. On a former occasion he certainly did mention an occurrence which he understood had taken place in the county of Louth, but he never once mentioned the name of Mr. M'Neale in the matter. If that gentleman now stated that the fact pointed to him, he was his own accuser. He would not shrink from stating, that Mr. M'Neale was the gentleman who had, as he understood and believed, burned the turf with his own hand. If there had been any thing incorrect in the statement, and if Mr. M'Neale had applied to him to correct it, he would have been most ready to do so; but no such application had been made to him. He thought it rather hard that a charge of malicious motives should have been made against him by that individual. He repudiated such a charge as of a slanderous and unfounded nature. With regard to the course taken in this matter by the hon. Member for Belfast, he would appeal to the House, whether it was usual for hon. Members to prefer a charge of the kind against an hon. Member in his absence, and without any communication to him that such a charge would be made against him? He (Mr. Crawford) was not often absent from the House, but he happened to be so, unfortunately, yesterday, when the hon. Member made this charge against him. He (Mr. Crawford) had certainly some time since preferred a charge against the hon. Member for Belfast, but he did so in his presence, so as to afford him the opportunity to rebut it, if he could.

Mr. *Emerson Tennent* said, that as the hon. Member had admitted that his description had applied to Mr. M'Neale, and as he had not disputed the correctness of the facts contained in his (Mr. Tennent's) statement, he would now merely say, that he had made that statement, and that he had been authorised to do so. As to the circumstance of its having been made in the hon. Member's absence, he would only mention that he had sent his hon. Colleague the day before yesterday to the hon. Member, to inform him that he had a charge to make against him. He came down on that day to the House for that purpose, but having been prevented from making the statement then, he took the earliest opportunity in his power to make it.

Mr. *Sharman Crawford* said, that the hon. Member, Mr. M'Cance, had the day before yesterday told him that the hon. Member (Mr. E. Tennent) had a charge to prefer against him, but he did not specify what it was. He was in his place that evening, but no such charge was made. As it was not made then, it was not in his power to know on what day it would be preferred.

Petition laid on the table.

CORPORATION REFORM, (IRELAND).] Mr. *Wakley* presented a petition from a numerous meeting of the electors of the county of Middlesex, against the Lords' amendments to the Corporation Reform Bill for Ireland. The petitioners expressed a hope that that House would support its dignity at this important crisis, and sympathise with the people throughout the empire, by rejecting with indignation and scorn the attempts of the House of Lords to interfere with the extension of justice to Ireland on similar principles to those already acted on in the case of England and Scotland. He fully concurred in the prayer of the petition.

Sir *George Sinclair* begged to know whether the petitioners prayed for a Reform in the House of Lords?

Alderman *Wood* said, if the hon. Member wished it, he was sure the House would have no objection to have it read at length. The petitioners expressed their opinion very strongly of the necessity of some change in the House of Lords.

Mr. *Thomas Duncombe* presented a petition, agreed to by the electors of Finsbury, at a meeting which had yesterday been held for the purpose of addressing that House on the Lords' amendments. They prayed that the hon. House might reject them with the disgust they deserved.

Mr. *Wakley* supported the prayer of the petition, and stated that at the meeting yesterday he (Mr. Wakley) handed a Bill containing the Lords' amendments to the people, and asked them what the House of Commons ought to do with it, upon which they tore it in ten thousand pieces. He mentioned this to show the feeling of the people on the subject.

Petition to lie on the table.

COPYRIGHT—(IRELAND)—PRINTS AND ENGRAVINGS.] Mr. *Buckingham*, as he anticipated no objection to his motion for leave to bring in a Bill to extend protection to copyright of prints and engravings to Ireland, would state in a few words the grounds of his motion. It appeared by a late decision of the law courts, that the protection of copyright of prints and engravings published in this country did not extend to Ireland. The object of his Bill was simply to extend the protection to such prints in Ireland.

Sir *Robert Inglis* did not consider it expedient to discuss this question now, as a more important subject was about to come before the House. He hoped the hon. Member would defer his motion to another day.

Mr. *Buckingham* said, that copyright of prints and engravings published here was daily invaded in Dublin. He wished to prevent that injustice.

Sir *Robert Inglis* hoped the hon. Member would not urge the motion. He should feel it his duty to oppose it; and he was unwilling to delay the other business of the House by a discussion of this.

Mr. *O'Connell* said, the opposition might have been expected to come from Ireland; but the Irish Members made no objection. They were anxious that no injustice should be done to England.

Sir *Robert Inglis* said, that after the second reading of the Copyright Bill last night, he should feel it his duty to divide the House on this motion.

Lord *John Russell* hoped that the hon. Member (Mr. Buckingham) would not press his motion at present.

Mr. *Buckingham* said, he would defer it, if the noble Lord requested it, but he had not heard any good reason urged on the other side why he should do so. The hon. Member then moved for leave to bring in the Bill.

The House divided—Ayes 169; Noes 80—Majority 89.

MUNICIPAL CORPORATIONS (IRELAND)—LORDS' AMENDMENTS.] Lord *John Russell* then rose and said: I think it will be the most convenient course, in moving the order of the day for taking into consideration the Lords' Amendments to the Bill relating to Municipal Corporations in Ireland, that I should state to the House the view which is taken by his Majesty's Ministers of those amendments, and the motion which will be made by my right hon. Friend, the Attorney-General for Ireland, in proposing the mode in which the House should consider and deal with those amendments. Sir, I wish to do this without making any remarks which may tend to excite any exasperation upon a subject on which so much interest is felt; but at the same time I must say, that I think I should be deserting my duty if, for the sake of any compliment to the proposals of the other House of Parliament, I were to propose to barter away the privileges of this House, to diminish the rights of any portion of his Majesty's subjects, or to impair, in the least degree, the well-known principles of the Constitution. Sir, we stand upon this subject at present on the defensive. It has been the policy of this House to send up to the other House of Parliament Bills for reforming Municipal Corporations, first in Scotland and afterwards in England. Upon both those Bills some discussions took place. In the latter, many amendments were introduced by the House of Lords, but it seemed to be the general agreement of both Houses, that corporations in themselves promote good government, order, and regularity, in the towns in which they are established, and contribute to the welfare of the country in general. We have proceeded upon the same principles, though without adopting exactly the same provisions, yet with provisions nearly resembling them, in respect to the corporations of Ireland. We sent up to the other House of Parliament a Bill for the regulation of the Municipal Corporations of borough-towns in Ireland. That Bill has been returned to us with the title altered, with the preamble changed; and of a Bill consisting of 140 clauses, 106 have been in substance omitted, eighteen other clauses have been introduced, and of the whole purport and intention of the original Bill, little is to be found in the Bill which is now come down to us. If I wanted any proof of the intention to change the whole frame of our Bill, it stands recorded in the fact, that the other House of Parliament have adopted, upon an instruction to a Committee of the whole House, an alteration which could not be proposed without that instruction, and which instruction had for its object to effect that which this House had already deliberately rejected. Such, I say, is the form in which this Bill is returned to us; and certainly, I must say, if the object was not to attain that cordial harmony between the two Houses of Parliament which we have been told today, it is the desire of the House of Lords to promote, but to sow dissension between us, I should think that there was no more obvious method of effecting it, than to adopt the very proposals which this House had declared to be unpalatable to them, and to alter a Bill which they had sent up in such a manner, as to make it entirely a new Bill, and a new law upon the subject. However, with respect to anything which it is possible for us to propose, as the means by which this Bill may ultimately become law, I was anxious to find some method by which, consistently with precedent and usage, we could say that this Bill might finally receive the sanction of this House.

I conceive that, in conformity with our privileges and the recognised rights of this House with respect to Bills which come before us for discussion, there are but three courses which it is possible for this House to adopt. The first is to reject these amendments altogether, with a view to substituting or introducing a new Bill, which should contain the provisions made by the Lords. The second method would be the restoring all the original parts of the Bill, and disagreeing with all the amendments of the Lords; and the third course would be, disagreeing with the greater part of those amendments, and restoring in principle the original intention and spirit of the Bill, but not insisting upon the original forming which those provisions were proposed. Sir, there is a fourth course, which I have not mentioned, because certainly I could not recommend it to the House to adopt, and I think there would be few Members found in the House who would think it conformable with our privileges to agree with. It would be to adopt these amendments at a single sitting, without any previous notice or consideration of them. If we were to do this, we should be surrendering altogether our privileges and due deliberation: and, instead of having a Bill sent from the Lords which we might read a first, a second, and a third time, and then carry into a Committee, where we might examine its provisions in detail, we should then be content to say, that any Bill which is sent up by this House to the Lords, might be totally altered in its provisions, in its nature, in its title, in its intention, and that, with one single reading, and by one motion in this House, we might dispose of the greatest questions which may be involved in any Act of Parliament. I will not be so unmindful, for I think I should be unmindful of what is due to the privileges of this House, and to its station in this country, to propose so new, so dangerous, and so humiliating a course. I will, now then, take the liberty of reading to the House, before I go into the substance of the amendments made by the House of Lords, a precedent with respect to a Bill which was sent up from this House, at a time when certainly this House was not over anxious either to dispute with the House of Lords or to set up any pretensions dangerous to the other branches of the Legislature. The precedent of which I am going to give an account is one made by the Parliament which sat in 1661, of which this description is given by Hume:—

> "The royalists and zealous Churchmen were at present the popular party in the nation, and, seconded by the efforts of the Court, had prevailed in most elections. Not more than fifty-six members of the Presbyterian party had obtained seats in the Lower House, and these were not able either to oppose or retard the measures of the majority. Monarchy, therefore, and episcopacy were now exalted to as great power and splendour as they had lately suffered misery and depression."

It was in such a spirit—and after reading this extract from Hume, I need not quote any instances to prove its existence,—but it was in such a spirit that, the House of Commons of that day legislated, anxious by their zeal and by the fervour of their loyalty, to build up what the men of the Commonwealth had destroyed. Sir, this House of Commons, so disposed, having introduced a Bill into this House, which they called a Bill for the well-governing and regulating the corporations of England, sent it up to the House of Lords, where it underwent many alterations. The original Bill was a Bill for the purpose, by means of Commissioners, of displacing from corporations all who belonged to the Presbyterian or Republican party, and to replace them by persons well-affected to the Crown. The Bill was altered in the House of Lords, and, among other things, in this manner. They proposed that the mayor of every town should be named by the Crown every year, out of six persons to be presented by the corporations. They made several other alterations in the details, and as to the nature of corporate powers. The House of Commons took these amendments into consideration, and entered on the journals of the House, that they disagreed with the amendments, and they appointed a Committee to draw up the reasons for their disagreement. The Committee reported several reasons, of which I will quote two or three to the House. The first reason reported by the Solicitor-General of that day, was,

> "Because the Bill for the well-regulation of the corporations placed the government of the towns in the right hands, which by the Bill sent up from the Lords so far from being effected by the amendments, was not so much as thought of, and that in the provisions for the appointment of the mayor and recorder, no care was taken for any other members of the corporations."

The seventh reason is,

"Further, the amendments are repugnant to the title of the Bill, which is a Bill for the regulation of corporations, whereas the amendments do either extirpate, or, at least, new create them. The reformation contemplated by the Bill sent up to the Lords was of a temporary nature, and such as was reasonably believed would be agreeable to the times, and suitable to our trust; whereas the amendments made by the Lords were such as would be in no case agreeable to the people, or suitable to, or consonant with, our trust."

Now, it is clear from this example of a House of Commons, upon which no imputation can be cast that it wished to overturn the constitution of this realm —it is manifest from this example, that the House of Commons were unwilling to agree to the amendments of the Lords, which completely altered the nature of their Bill, and which they said were "not consonant with their trust." Now, Sir, I hope this House will act at least in the spirit of this Restoration Parliament, and that we shall act in a manner "consonant with our trust," and that, if there is anything in this amended Bill which injures the liberty of the subject, or which destroys the nature of the corporations themselves, that we shall consider whether we, the Commons of England, shall be justified in giving our consent to these amendments. Sir, the result of the conference upon those reasons was, that the House of Lords desired further time to consider the matter. They said, that owing to the thinness of the House they could not then proceed; and the question was, therefore, put off from July to December. In December, the most obnoxious amendments made by the Lords were withheld; some of them were in some parts accepted, and the Bill was finally passed by both Houses. The main purpose for which I have quoted this precedent; is to show that if we are not able to agree to the amendments made by the Lords, we may yet restore in spirit the Bill which we sent up to the Lords, and that we are not obliged, on account of the objections which we may entertain to the extensive nature of the alterations made, to consider that we have before us but one course, namely, to reject those alterations altogether. I will now proceed to state the general effect of the greater part of the proposed amendments. In the first place, and that which is the head and front of the whole matter, the Bill which we sent up to the House of Lords was a Bill for regulating and renewing Corporations in Ireland, but allowing corporations still to subsist as they now subsist in England and Scotland. The House of Lords, on the contrary, have introduced a clause putting an end to the corporations altogether. But in doing this they have taken care—and I think they could little be aware to what extent that care went, —they have taken care, I say, to preserve for their natural lives, to many of the persons who hold offices in these corporations, all the power, all the trust, and all the property which they now enjoy. I thought it was an objection to the Bill as it has come down to us, that it totally abolished corporations. Indeed it is most objectionable in principle, as I shall by and by argue, to abolish these corporations, but it would not be giving a complete, or anything like an accurate notion of this amended Bill, as it is called, to say that it destroys corporations, and puts other powers in their place. It is a Bill to continue for the present generation, under less responsibility, with less restraint than they at present feel in their situations, the persons who hold office in these corporations —which corporations you yourselves declare to be corrupt and indefensible. I will show this to be the effect of some of the clauses that now stand in the Lords' Bill. By the 5th Clause bodies corporate are dissolved, and the power of electing new officers ceases after the first day of January next. By the 12th Clause clerks of the market, weigh masters of all goods, weigh masters of butter, and tasters of butter, are to continue to hold such offices during their lives. In the Bill which was originally printed in the Lords, it was provided, by the same clauses, that those persons who should be named to these places after the passing of the Bill, and before the 1st of January next, should continue in their offices subject to removal at the pleasure of the Lord-Lieutenant. That certainly must have been an oversight, for so gross an opening for jobbing never was made; and that clause, therefore, has been altered so as to prevent persons hereafter coming in to enjoy the same rights as the present holders of those offices enjoy. By the 13th clause town-clerks, bailiffs, treasurers, and chamberlains, with other ministerial and executive officers of bodies corporate, are to continue to execute their duties until removed by the Commissioners appointed by the Act. By the 14th Clause compensation is extended to the members as well as the officers of any body corporate deprived of their emoluments by the Act. By the 15th Clause pensions and allowances are extended beyond what we originally provided, being made to include annual sums granted in conformity with established usage, and only limited by this, certainly very necessary and useful, proviso at the end, "unless the property of such body corporate shall not be sufficient for the payment thereof." Undoubtedly the person who framed that proviso must have considered that what he had consented to insert in the former part of the clause would probably entirely eat up and destroy the whole property of these corporations; and that in order to take care that these persons should not overrun the country, and make claims upon other funds, he felt it proper to enact that when the whole corporate property was consumed, these persons should have no further claim upon us. By the 19th Clause charitable trusts are vested in the persons who shall, on the 31st of December, have been mayor, aldermen, or members of the governing body. By the 20th Clause trusts, other than charitable trusts, are vested in the same persons; and by the 23d Clause, when any body corporate is part of any other body corporate, their places are to be filled up by these same fortunate mayor, aldermen, and members of the governing body who may be in office just before the 1st of January, 1837. By the 92d Clause, in every town where the town-clerk is now in right of his office clerk of the peace, registrar of the court of record for the trial of civil actions, and clerk to the court of conscience, the person who shall be town-clerk on the 31st of December shall continue to hold these offices. Well, these are the clauses then which provide, not, as I have said, for the extinction of corporations—not for the destruction of those corporations against whom every Member of the other House was so indignant, and which there was no one willing to defend—but for the possession during their lives of these offices, unless they are removed, as some of them may be by a method I shall hereafter mention, to all those persons who may or may not have been in the active exercise of the abuse of the trusts which were vested in them. There is a difference between one or two of these official personages and the others, which I do not well understand; for, by a certain clause, the treasurer may be removed by the Commissioners; while by a former part of the Bill, it would appear, that those fortunate persons who are the clerks of markets, weigh-masters of butter, and tasters of butter, are taken especial care of, are not to be the least injured—nothing is to happen to them; but they are to be preserved until, in the course of nature, they shall fall off. Why, Sir, then the real effect of this Bill is not what we supposed it to be; and those who determined upon the abolition and destruction of corporations, seem to have some faultering in their own purpose. When they came actually to execute this destruction, this abolition, this death to the old and abusive corporations of Ireland, some compunctions came over them; and while they were content to abolish the name, and leave nothing hereafter of the same kind, they took care of the persons who had been the especial friends of those who were now consenting to their destruction. It puts me in mind of that dying miser of whom we are told by Pope, that the ruling passion, strong in death, would not suffer him to relinquish that which he was too old to retain or to enjoy:—

> ' " I give and I devise (old Euclio said,
> And sigh'd) my lands and tenements to Ned.'
> Your money, sir?—'My money, sir! what all!
> Why—if I must—(then wept) I give it Paul.'
> The manor, sir?—' The manor! hold (he cried),
> Not that—I cannot part with that'—and died."

There seems to have been a similar ruling passion operating on the minds of the persons who framed these amendments. Those who made the will, by which they " gave and devised" these corporations, certainly felt so much reluctance to annihilate and destroy all these precious relics—these corporate offices—that even with their dying breath they chose to leave them all by a devise that should preserve them at least during the natural lives of the objects of their bounty. Well, after having taken this care, and made these provisions for the existence and continuance of the present corporate officers, we then come to that which I may call the constructive part of this Bill—very different from our constructive Bill—and the clauses of which are to this effect:—By the 26th clause the Lord-Lieutenant is to appoint five or seven Commissioners to be Commissioners of corporate property: in these Commissioners, by Clause 23, is vested the whole property of corporations. By the 29th Clause they appoint a treasurer. By the 34th Clause they are empowered to bring and defend actions, and compromise and settle accounts. By the 41st Clause they are to pay the salaries of the recorder, judge of the court of conscience, to pay to the Commissioners under 9 Geo. 4th, any surplus, and if there shall be any farther surplus, to apply it for the public benefit of the inhabitants of such town. By the 43d clause they may abolish tolls, and by the 45th Clause they may remove any town-clerk, bailiff, treasurer, or chamberlain. By the 61st Clause the Lord-Lieutenant is to appoint to any office of clerk of the market or taster of butter. Sir, the effect of these clauses is to place in Commissioners, named by the Lord-Lieutenant for Ireland, the whole corporate property of Ireland and the nomination of all corporate officers in that country. And, Sir, I declare at once that I never can agree to such clauses. I consider that the corporations, even in their worst state, are a species of local government which it does not belong, which it ought not to belong, to the supreme executive to supersede. I consider that in their reformed state they are instruments which, by means of popular control, the inhabitants of our towns may manage their own affairs in that way which most concerns them; and I never will agree, admiring the principles of these institutions—admiring the ancient principles of our constitution in its rise and growth, and in what has been done to reform them—to admit this new and despotic principle, connecting with the executive and central government a power which is locally so well and so duly placed. Only let us consider the mischief and injury that must ensue from a Lord-Lieutenant and his Commissioners interfering in every transaction, and in the smallest appointment for regulating the local concerns of a place. Let us consider the clamouring there would be, the favours that would be asked, the jobbing that would be created by placing the nomination of all corporate officers in these Commissioners. And let us consider, further, the great violation that there is in the very principle of placing in these Commissioners the whole property of these corporations, with power to defend and to undertake suits, to arrange disputes, and to settle contests about the rights of property, and to dispose of that property as they shall think fit, with merely the general limitation, that it shall be for the public benefit of the town. Why, Sir, can it be believed that there will not be continual efforts made by the different parties in every one of these towns to obtain the favour of these Commissioners with respect to the manner in which the corporate property shall be disposed of, and with respect to the favours to be granted to one person or the other, not in one place only, but in every town which has corporate property; and not only relating to he property, but to every action in which that property may be concerned—if all these powers shall be confided to a set of Commissioners at the nomination of the Lord-Lieutenant? But, Sir, is it not most objectionable, in principle, that these matters, which have all, hitherto, been treated, and which shouldbe treated, as matters within the cognizance of local bodies, should be placed in the hands of these Commissioners named by the Government? And let me ask, how those who profess to pay so sacred a regard to property,—let me ask, how they can consent that this property, which is altogether to be taken away from these towns, shall be left in the hands, and to the uncontrolled direction, of persons named by the Lord-Lieutenant of Ireland as to what manner hereafter that property shall be applied? Therefore, Sir, taking this view of the clauses I have mentioned, it is quite impossible for me to consent to the first part of them, which destroys the corporations, or to the second part of them, which places their property and powers in the hands of the Commissioners; and I shall venture to state to the House in what manner I propose to accomplish that which is necessary, in order to replace the clauses for effecting the real intention of this Bill, to be adopted by the House. I will not propose, for it would be but to lead evidently to the rejection of the Bill—that the whole of the towns now placed under the government of a mayor and council shall hereafter be placed under that species of government. I will not propose that all the clauses which we introduced should be restored; but I will propose that the great towns, which stand in the first and second schedules of the Commons' Bill—schedules A and B—shall be placed in a single schedule, and that the whole of the clauses which have been struck out should be again inserted, with a view of applying them to those towns. There are eleven of these towns—Belfast, Cork, Dublin, Galway, Kilkenny, Limerick, Waterford, Clonmel, Drogheda, Londonderry, and Sligo. There is another town, which by reason of being a county of a town I shall propose to place in the same schedule —I mean the town of Carrickfergus. I have next a proposal to make with regard to the towns which are in schedule C. I think it is not advisable to have these towns altogether either under the Municipal Corporations, which you have declared to be defective, or to leave them out of the Bill. I have already declared, that I never will consent to apply to them or to any of the corporate towns in Ireland, those clauses which have been inserted by the Lords, making the Commissioners appointed by the Lord-Lieutenant the sole corporators. It is, therefore, necessary to frame some provision which will not be exactly conformable to our former provisions, but which shall provide means for the purposes of municipal government in these towns. I propose, then, to put into a second schedule all those towns which are important and of considerable size, and also those which possess corporate property of any extent. For wherever there is corporate property to any extent, I think it is the duty of Parliament, having ascertained the abuses in the management of that property, and those abuses having been generally recognised, to provide an immediate remedy. I propose, therefore, that with respect to them, the provisions of the 9th Geo. 4th —provisions with which Gentlemen seemed so much pleased when the question was under deliberation before, should immediately apply to these towns, and that as soon as the Commissioners are chosen by the *5l.* householders, so soon all the corporate property, and power to appoint to any necessary office, such as clerk of the market, should belong to these Commissioners. This schedule will contain twenty towns. With respect to the first schedule, it will be a schedule of towns where the 10*l.* householders will have the power of electing the mayor and town-council; and with respect to the second schedule, it will be a schedule of the towns where the *5l.* householders will elect, but where, instead of electing a mayor and town-council, they will elect Commissioners under the 9th of Geo. 4th. These Commissioners will have the powers of watching, paving, and lighting. But the difference between the proposition now made, and the proposition introduced in the Lords, is, that to these local Commissioners elected by the *5l.* householders, and therefore elected by the inhabitants, and not to Commissioners nominated by the Lord-Lieutenant, the corporate property will be intrusted. I think I need not dwell upon the very important difference between these two modes of appointment, or trespass long upon the House in order to prove which of these two propositions is most constitutional. These Commissioners will be, at all events, persons having the confidence of their fellow citizens; they will be persons anxious to promote the welfare of the town—they will be persons acquainted with its circumstances, and they will be persons responsible to their fellow citizens. From these Commissioners, in every one of these respects, the Commissioners to be appointed by the Crown, as proposed by the Bill at present, will totally differ. We cannot expect from them the same knowledge of the town—we cannot expect from them the same regard for the interests of the town—and, above all, we have not in them the same responsibility to popular vigilance and control. A third schedule I shall propose will contain all the remaining boroughs from section 2 of schedule C. In the boroughs contained in this third schedule I do not propose that the provisions of the Act of the 9th of Geo. 4th should be immediately adopted, as they are boroughs which possess but little corporate property; and as it may be hereafter found, that it would be better for them not to incur the expense either of Corporations or of Commissioners under the Act of 9th of Geo. 4th: I propose that, with respect to them, the adoption of the provisions of 9th Geo. 4th, shall be voluntary; and if it should subsequently appear to Parliament that they had not adopted the provisions of that Act, and that Corporations in those towns (they having no property to administer, and but few individuals to govern) were not required, I am sure I for one should make no objection, either in the case of Belturbet, or any other town similarly situated, to any proposition for abolishing the Corporation. With respect to any other part of the Bill, I do not think there are many points on which I need occupy the attention of the House. There have been several alterations made by the Lords in those clauses which concern the quarter sessions and the recorder; but although several alterations have been made in those provisions, still the spirit of the Bill is preserved. If there be any differences of opinion on those clauses, they will be merely differences of detail. It was an opinion that the administration of justice by the recorder, should be vested in the appointment of the Crown. That is likewise the opinion of the Lords. They have not agreed that quarter sessions should be held whenever the council think fit to require it; but they have agreed, that there should be recorders named by the Crown, and not by those Corporations. I know not, then, Sir, that I need go further in this general statement than I have done, in pointing out the differences which exist between the Bill which has been sent down to this House by the House of Lords, and the Bill which I propose to send up to the House of Lords for their concurrence. It will be observed that the difference between those two Bills in point of principle—I do not disguise it—is very wide indeed. I do not pretend to say, that I have adopted the principle of the House of Lords. I do not pretend to say, that I have adopted the principle of abolishing Corporations, destroying local governments, and establishing a central government in their places. I think I need not long detain the House with the general reasons which have induced me to prefer the one plan, and not to consent to the other. When Bills were introduced for the Reform of the Corporations of England and Scotland, we did not think it necessary, and right hon. Gentlemen opposite did not think it necessary, for us to enter into the general reasons which induced us to think that Corporations were beneficial, and that if they ought to be reformed, they ought not to be destroyed. If we look to history, we shall find that all the historians, who have written of the transactions of Europe in earlier times, attribute all the civilization, attribute all the wealth, attribute all the good order, attribute all the regularity of our corporate cities, entirely to their municipal institutions. They attribute to them, likewise, the having kept alive and fostered the spirit of civil liberty. Dr. Robertson has many pages of eulogium on Corporations for this reason. It is said by Gibbon "that at the feet of these popular ramparts, the pride of the Cæsars was humbled, and the spirit of liberty triumphed over the two greatest monarchs of their age." "It was in those times taken for granted, that any infringement of the rights of Corporations, that any blow to the rights of Corporations, that any destruction of the Corporations themselves, was a blow directed at liberty herself; and when, in later times, we have thought it necessary to propose, that the defects of these Corporations should be remedied, and the principle of popular control introduced, we have had the general concurrence of this House in the opinion that it was desirable to vest these trusts in local bodies, that such a proceeding was conformable to the Constitution of this country, and that we were discharging our duty to our constituents, by doing everything in our power to preserve and maintain them in the chief towns of England. But, Sir, it is not in this country alone that in later times free Corporations have been introduced. I was reading over this morning a decree of the Prussian Government, bearing date in the year 1808, for the introduction of Corporations on a free basis in that country. I regret to have to refer the House to Prussia for a precedent of freedom on this subject, but it is so apt an illustration that I cannot avoid it. The preamble to that decree contained the following passage:—

> "It has been remarked that the citizens do not take interest in concerns which are of importance to them in consequence of the defective arrangements which have hitherto existed in the Corporations and classes of each town. In order to remedy this fault, it has been decided to make new municipal arrangements, of which the principal object is to give an independent constitution to the towns, to create in them a centre of interest to the citizens, and to grant to them a real influence over the administration of the public property, and induce in it a community of action."

In conformity with the preamble, so the enactment proceeds on the most liberal basis, with one or two exceptions, which I am informed do not affect the freedom of the towns. With the exception of securing to the Crown the power of refusing its consent to the election of a mayor, if it shall so think fit, and with some other exceptions of the like nature, the decree establishes an independent constitution on the most liberal basis. I said before, that I was sorry to refer to Prussia for a precedent. I repeat it, because I come now to the question whether it be necessary to deny municipal institutions solely for the reason that the country to which it is proposed to apply them is Ireland? There is a sentiment of Mr. Burke's, the passage in which it was delivered I will not pretend to quote, which I am sure every Gentleman who hears me must have in his recollection. In his beautiful speech on the subject of conciliation to America, Mr. Burke said that, "Slavery your colonists can have anywhere, it is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your true dignity, freedom they can have from none but you. This is the commodity of price of which you have the monopoly." Shall I be reduced to the necessity of reversing the proposition? Shall I be told that municipal freedom may be allowed under a despotic constitution, that it may be encouraged by a Prussian government, but that, in the whole of Ireland, under the free Constitution of Great Britain, it shall not exist? Why, Sir, have Gentlemen seriously reflected upon the proposition which they have come down here to give their votes upon? Have they well considered how deep a wound must be inflicted on Ireland, not merely by the provisions I have detailed to the House, but by the reasons on which it is notorious that they are founded, by the words in which I heard it with my own ears declared, that, "three-fourths of the people of Ireland were aliens in blood, differing in language, differing in religion, and waiting only for a favourable opportunity of throwing off the Government of this country as the yoke of a tyrannical oppressor?" These, Sir, are the words which fell from the lips of one who is supposed, by the public, to be the chief organ in introducing these Amendments of the House of Lords—of one who, but a few months ago, held the high and responsible office of Lord High Chancellor of England. Can it be conceived, Sir, that these enactments, were they far less bitter than they are, were they far less hostile to the spirit of our Constitution, were they far less different from the laws we have adopted in other parts of the United Empire, could be received, founded on such motives, and having such a preamble affixed to them, with any other feelings than those of the deepest indignation? Tell me of speeches made at the Corn Exchange!—tell me of agitation! I tell you that these words, and those enactments which are founded upon them, will tend more to promote agitation—will tend more to prevent tranquillity—and will tend more to keep alive discord, than a thousand such speeches—uttered, it may be, by men who are speaking of impossible and unattainable objects; but speaking, nevertheless, in favour of the extension of the liberties of their country. I tell you that if you consider this Bill with the view of establishing upon it some new law which shall be applicable to Ireland alone, and couple it with such motives, you ill understand the sound policy of Government in attempting the infliction. I will add upon more general grounds, that, having heard what passed in this House, and having attended to much of what passed, or is said to have passed, in the other House of Parliament, I have never heard anything like a plausible reason assigned for making this distinction between the two countries. Differences there are—great and wide differences, I am not the man to dispute their existence; but the question here is simply this—are there such differences in the towns of Ireland as to render them unfit to have popular and municipal Corporations? It is nothing to tell me that there have been dreadful outrages committed in the country parts of Ireland, that trials have taken place which shock the feelings, and that much crime is committed throughout that portion of the empire. I ask, and as I have never heard it stated yet, I ask for the sake of information—is it contended that in the towns of Ireland there prevails a greater degree of disorder and a greater unfitness for popular government than exists in other parts of the empire? If it be so, I have not heard it; if it were so, I should very likely say that, in conformity with the examples we have of the early ages of Europe, it is but reasonable to suppose that the introduction of municipal Corporations would be the best remedy for the evil. But is it so? Let any man go over, in his memory, the transactions of the last few years. Which are the towns, where are they situated, in which scenes have taken place of great outrage and calamity? In Dublin, Cork, or Limerick? I recollect one in 1819, in Manchester. I recollect a deplorable scene that occurred in 1831, at Bristol; but I do not think that there has been in Dublin, Cork, Limerick, or any other great town of Ireland, anything resembling scenes like these. If there had been, if Cork had suffered the fate of Bristol, should we not have heard of the danger of extending, and of the dreadful results to be apprehended from the extension of municipal Corporations to such a city? And yet no man contended, no man ever thought of contending, when we had the Municipal Corporation Act under discussion last year, that it ought not to be extended to Bristol on account of the outrages which had taken place in that city. But I say, on other grounds, give municipal Corporations to those towns in Ireland. Their inhabitants will then busy themselves with their own local concerns. They will learn, if they have not already acquired, the habits and practice of self-government; they will become a model to the rest of Ireland; they will acquire all those means, and pursue all those means of political order, improvement, and embellishment, which make municipal Corporations a blessing and an advantage to all great towns. I say, moreover, give it for another reason, if you have no valid obstacle to bring forward—give it for the reason that under the present laws and Constitution of this empire, and after the passing of the Roman Catholic Relief Bill, you have no right to make a distinction between 16,000,000 of Protestants and 6,000,000 of Roman Catholics, but are bound to unite the whole people under one Government of the same kind, and to treat the inhabitants of Ireland as you would treat the inhabitants of Lancashire or Berkshire. And is it only on the Roman Catholics that this slight and degradation is to be affixed? Is it because you wish to mortify and degrade the Catholics that you deprive the Protestants of Londonderry of their power of electing municipal Magistrates? Are they, too, to be told that they are unfit for, that they must be deprived and suffer the loss of, all the advantages of municipal government, because you wish not to have the appearance of making, while you do in fact make, religious distinctions? Are they to be told, that they, too, must suffer these penalties because they are Irishmen, and because, being Irishmen, they have the misfortune to be fellow-citizens and fellow-countrymen with Roman Catholics? Such, Sir, are the reasons, and such are the grounds on which I shall ask this House to restore the clauses that have been omitted by the Lords. If I want an authority in favour of the general policy of this measure—if I be told, as I was told by my right hon. Friend opposite, the Member for Cumberland (Sir James Graham), on a former occasion, that this was concession, and that we ought not to make concessions, I will examine the question as it was propounded in the year 1829 by a great authority in the other House of Parliament. That authority said—

> "A most reverend Prelate had said last night, that the project of his Majesty's Ministers would not be accomplished; that the Legislature might make large and ample concessions, but that they would fail in the object which they had in view. Now, he saw no ground for indulging in an anticipation of that nature. He would ask why the Legislature had not been able, long before this, to frame efficient laws on this subject? It was because there had been a divided Cabinet; it was because there had been a divided Parliament; it was because there was an unwillingness on the part of Government to exert its power for the purpose of effectually tranquillising Ireland. But now there was a united Cabinet. Let them, then, do that which justice requires. Let the legislative body of the country—let the Government of the country—let all those who had influence in the country—join in one happy union, to accomplish that great object, the tranquillization of Ireland, which he thought concession alone would produce [cheers]; and if they could not effect it by that means, they could have recourse to the exercise of legitimate authority."*

These are the opinions which were expressed in 1829 by Lord Lyndhurst, in the House of Lords! And, Sir, when reproach is cast upon the constant repetition of the words "justice for Ireland"—a phrase which the hon. and learned Member for Kilkenny is certainly very often in the habit of using,—I think he has very high authority for it in this single sentence of Lord Lyndhurst's,—"Let them do that which justice requires." That, Sir, is in fact the whole of what is demanded. You passed an Act to place the Roman Catholics of this country, with respect to office and power, on a footing with the other subjects of his Majesty. Will you now contend, that three-fourths of the population of the United Kingdom are entitled to the peculiar privileges, and to municipal franchises, because they are Protestants, and that the remaining fourth are not entitled to them, because they are Catholics? If this be your reasoning, if this be your argument, you do not do that which justice requires; you do not act fairly and equally by all parts of the empire, and you cannot expect that this will be in reality an United Kingdom. My right hon. Friend opposite (Sir James Graham) and others, have said that the difference, after all, is not so very great: that they agree with us in the destructive parts of the Bill, and that it is only on the constructive that they differ. Why this is, indeed, the whole difference. I had the honour of being associated with my right hon. Friend in the consideration of that Reform in the representation of the people in this House which we fortunately carried, and when we agreed, without much ado, that a great number of the corrupt boroughs of this country—amounting, I think, to fifty at first—should be destroyed. Suppose if, after agreeing upon this point, and when we came to consider the propriety of the admission of Manchester and Leeds, and other places, to a share in the representation, my right hon. Friend had said, "Here is a very small point upon which I differ from you. We have agreed thus far: I have cordially agreed in the destruction of these boroughs. But I do not like agitation; I am not a friend to popular elections; I think you have done well in destroying the close boroughs, but as to conferring the power of holding popular elections upon Manchester, Bath, or any other large town, there I totally differ from you." Supposing my right hon. Friend had made this declaration, I should have thought that his difference was not one of degree merely, but one which went to the whole principle of the measure. Sir, the right hon. Baronet opposite (Sir Robert Peel), at a very splendid dinner given to him last year, in a very splendid building, by the Goldsmiths' Company, said, "I think you have done wisely; you have built upon the old foundation." The Goldsmiths' Company were highly gratified with the right hon. Baronet's compliment. But what if the right hon. Baronet had said, "I quite agree with you in the propriety of pulling down your old hall. It was a very unsightly and inconvenient edifice, and you did quite right in pulling it to pieces. I cannot think you have done well, however, in erecting this handsome building. I quite differ from you in that. I think it was a very useless waste of your local revenue, and I cannot help thinking that you would have done much better if you had asked the King's Ministers to take care of your funds, by vesting them in the hands of Commissioners." Undoubtedly, so far from considering this as any great compliment from the right hon. Gentleman, they would have been somewhat astonished at his selecting the very point on which they felt the most pride as the theme of his disapprobation. I therefore, Sir, differ entirely from the assertion, if it be intended to be made again, that there is any small difference, or any difference which ought not to be felt and insisted on, between the construction and reformation which we propose, and the entire destruction of these corporations advocated by the Lords. In the one I see a wide plan, similar to that which Parliament has already adopted in the other parts of the empire, suited to the enlightened principles of the age, fitted to lead to harmony, fitted to produce good local government in Ireland, and to awaken feelings of concord and harmony between that and other parts of the empire. I see in the other a mark of degradation, a wish to create an invidious and cruel distinction—a determination, that the more you seem to place all the King's subjects on an equality in future, the more Ireland shall be viewed with a sort of suspicion approaching to enmity, and placed beyond the pale of remedy or redress. I ask you to adopt a more generous, to adopt a more conciliatory, to adopt what I think the wiser of these two alternatives. Depend upon it that your decision will spread wide abroad, and have a great and a lasting effect. If you mean fairly, really, and justly to consider the people of this United Kingdom as one people, as one people will they stand against their enemies. Then may you say,

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* Hansard (New Series) vol. xxi. p. 196.

> "Sit Romana potens Italâ virtute propago."

If you adopt the other course you embark upon one fraught with difficulty and danger. Look around you upon the state of the world, and see how firmly the British empire and the British Constitution stand. Foreign powers in relations of amity, and no fear of an interruption of the general peace: domestic tranquillity established in England and Scotland — the people devoid of the least alarm; destitute of the slightest apprehension; trade and manufactures flourishing; agriculture, I hope, recovering from its late depression; an empire strong in arms, strong in wealth, strong in character, strong, above all, in the reputation of being a free country. To an empire thus blessed and thus favoured, there remains but one point from which danger may arise. Truly was it said, as I see it reported to have been, by an hon. Friend of mine, who for fifty years has sat in this House, and who never acted contrary to his professions or swerved from his avowed principles—truly was it said by him—(the noble Lord referred to Mr. Byng) "You may make Ireland either your weakness or your strength." So say I. If you choose to make her your strength, the whole affairs of the empire stand indissoluble and compact; but if you make her your weakness, you will then have to carry on, if not a struggle against force and physical strength, at all events, in the midst of dissension, and against the most formidable discontent. You will have a large portion, consisting of three-fourths of Ireland, in a state of exasperation and disquiet, and the first cannon-ball fired in Europe will be the signal for retracting all your denials, and making that concession, and doing that justice in your need, which you refused in the hour of your glory and the day of your strength. Then I will say, with pain and with sorrow, that this country is no longer that great country for which I took her, refusing what is plain, obvious, and undeniable justice from ill-founded prejudice, and a determination to keep up disunion and promote discord. The noble Lord concluded by moving that the Lords' amendments be taken into consideration.

The *Speaker* having put the question,

Lord *John Russell* again rose and said, the way in which he proposed the House should proceed, consistently with their usual forms, would be to postpone for the present the two or three first clauses, in which the amendments were not of any vital importance, and apply themselves at once to the fourth Clause, which had been struck out of the Bill. He should therefore move, that the House disagree with the Lords' Amendments to that Clause.

Sir *William Follett* was anxious to approach this subject with those feelings recommended by the noble Lord who had just sat down, although he did not know why the House, in considering whether they should agree to the Lords' Amendments made in this Bill, important as it might be taken to be, should be so peculiarly called upon to approach the question in a different temper to that in which they were bound to deal with every other subject. With due regard to their privileges he was ready to admit, although he could not think it was at all necessary for the noble Lord to quote precedents from the Journals of 1661, to show that the House of Commons had a right to dissent from amendments made in a bill by the other branch of the Legislature—a precedent, by the way, of which, with all deference to the noble Lord, he could not very well perceive the precise force and application. The noble Lord seemed to hint that "it was not consonant to our trust," in other words, agreeable to the representative constitution, to agree to amendments that went either to extirpate Corporations or create new ones; but the noble Lord should recollect, that at the time to which his precedent referred, the Members of the House of Commons who put that entry on the Journals, were the representatives of those Corporations, and were speaking as trustees for them when they declared, "It is not consonant to our trust to agree to amendments of the other House, the effect of which will be to extirpate or new create those bodies." The intention of the noble Lord, therefore, in reading that precedent, was wholly fallacious—the extract had no application whatever to the present question. Let them look to the position in which they now stood. The noble Lord had reminded them that the amendments of the Lords had carried into effect a resolution which had been moved in that House by his noble Friend, the Member for South Lancashire (Lord F. Egerton), which had been supported by a very large minority, and proceeding on a principle which had again been affirmed by a very considerable minority against the third reading of the Bill. He agreed that the effect of the alterations made in the Lords was to embody in the Bill the instruction so moved by his noble Friend, and supported by a very considerable minority in that House; and they were now to consider whether they should agree to the amendments of the Lords, sanctioning that instruction, approved of by so large a proportion of Members of that House, or disagreeing with those amendments, adopt the proposition of the noble Lord, which he (Sir W. Follett) understood was presented by way of compromise between the two. Before dealing with that proposition of the noble Lord, it was important that the House should fully understand the effect of the Lords' amendments, because he could not admit that the noble Lord, in the statement he had made, had fully or completely laid them before the House. What was the Bill as originally introduced in that House? The Bill, as originally introduced, was a bill for the purpose of abolishing, or, to use the language which the noble Lord quoted from the Journals of the House, for the purpose of extirpating the existing Corporations in Ireland; it was a Bill for abolishing them — for dealing with their property as public property, and then for creating new bodies in the municipal towns in Ireland. Such was the Bill as originally introduced into that House. The minority, who supported his noble Friend's instruction to the Committee, agreed with that part of it which abolished the existing Corporations, and he must be allowed to say, when taunted with being unfriendly to the majority of the people of Ireland, that in the course he had taken he had always been most anxious to see fully carried into effect the principles of the Roman Catholic Emancipation Act, wishing to see every civil disability removed, and the most perfect equality established between Roman Catholics and Protestants in Ireland. He might be mistaken in his apprehensions, but it was because he believed that part of the Bill which went to create new bodies would have the effect of establishing unequal, more formidable, and by no means less dangerous exclusive bodies, that he was induced to give it his opposition. First of all, then, in their amendments the House of Lords had agreed with that part of the Bill which contemplated the abolition of the existing corporations. The noble Lord, however, seemed to say, that the Lords had in some manner preserved the members of the existing Corporations. The noble Lord, he believed, was mistaken. He could find no such provision; in fact, there was no such provision in the Bill. The members of the existing Corporations, with all their rights, privileges, and powers, would cease at once, they could no longer remain members of a corporate body. No doubt certain officers, who would otherwise have been entitled to compensation, but who were not members of the corporate body—persons, for instance, such as those alluded to by the noble Lord, appointed to act as weighmasters, market-clerks, &c., holding their offices for life, and having a vested interest in them, had been preserved by the Bill. But the noble Lord must remember, that the compensation clause introduced in the English act with respect to pensions and allowances had been copied into the present Bill; and he did not believe there was any essential alteration. But, without dwelling upon those trivial questions, which were hardly worth discussion, he would come at once to the main principle. To the abolition of the existing Corporations the Lords had agreed—they had agreed completely to remove what had been called one of the great evils of Ireland—exclusive Protestant Corporations. They had agreed to abolish them—they had agreed to treat the property of the Corporations as public property—they had agreed that that property—and here he should not shrink from meeting the noble Lord—they had agreed that that property should be vested in Commissioners, and be applied for the benefit of the municipal towns of Ireland. On that part of the Bill there was no difference of opinion. The Lords had also adopted that clause in the Bill as it went up from that House, preserving inviolate the rights, property, and privileges of the existing freemen. With respect to the functions of the existing Corporations, he had stated in a former discussion on this subject, and he challenged right hon. Gentlemen opposite to contradict him when he repeated, that the present bodies in Ireland exercised no power whatever but that of the administration of justice. Political power had been taken from them — they had no control in municipal arrangements, the watching, paving, cleansing, or lighting of the towns, nothing that was ordinarily called municipal power; but they did exercise the functions of justices of the peace, they appointed the sheriffs, magistrates, and coroners. What did the Bill propose with respect to them? The Bill, as sent up from that House, vested in the Lord-Lieutenant or in the Crown the appointment of the magistrates—it vested in the Lord-Lieutenant or in the Crown the appointment of sheriffs in counties of towns, and cities in Ireland, and left the appointment of coroner, also a most important officer, to the nomination of the town-council; by the Bill, as it came from the Lords, it was provided that the coroner, sheriffs, justices, and judges of the local courts should all be appointed by the Crown. The Bill as it went up, and the Bill as it came down, from the Lords, agreed in this—that in both they proceeded upon a different principle from that of the English Bill; both proceeded on the assumption, that at least as regards the administration of justice, there was something in the present state of society in Ireland which called for a different mode of legislation from that which had been adopted towards England. That was the principle of the Bill as it left that House; the Lords had adopted it, both proceeding on the same foundation, that the administration of justice should be taken from those bodies and vested in the Crown. The noble Lord had spoken most eloquently of the great use of Corporations to the cause of civil and religious liberty in different periods of the history of this country, and he could very well understand, that in a savage state of society, or just emerging into civilization—he was not speaking of the present state of Ireland, but of the times when Corporations might be said to have been of service to the cause of civil liberty and social improvement—at such a time, when it was found necessary to increase the power of towns against the encroachments of the barons, such institutions might have preserved liberty, and effected all the good attributed to them by historians; but it did not follow that, at the present moment, when liberty was so widely spread in this country and in Ireland, municipal institutions, as they were called, but which were institutions in reality of a totally different character, were at all necessary or likely to be productive of local advantage. If he were told, that the principal towns of England were indebted to the existence of their Corporations for the prosperity they had attained, he should like to know where was the difference between those towns which possessed them and those which had them not? What would they say to Manchester and Birmingham? Could they tell any difference in local government between Westminster, bordering as it did on the city of London, with its popular Corporation, or Marylebone and Finsbury? He did not think the prosperity of the Irish towns at all depended, with respect to good government, on their enjoyment of municipal institutions; if he thought so, he would at once vote for them. The Bill, he believed, was altogether fallacious; it would effect no good whatever, either locally in the different towns, or as regarded the general prosperity of Ireland. What had the Lords done with respect to the municipal functions now exercised in those towns? They had left them, not in the hands of the existing Corporations, for they were abolished: they had left them under the control of the local boards appointed by local acts of Parliament, which, according to the testimony of all parties, had worked so well in the great towns of Ireland. The municipal affairs of towns—the watching, paving, cleansing, lighting, everything connected with the municipal regulation of towns, had been admirably conducted by those local boards, which had never been converted, and were in no danger of being converted, into theatres of political contention; the Lords, therefore, had left those matters to be provided for under the 9th George 4th, and under particular local acts. There was another point to which he would address himself—the property of the old Corporations, for they were dealing, first of all, with the necessity of creating new bodies, the propriety of creating them, and the advantage they would produce in Ireland. There was considerable difficulty about the property of those Corporations; but both sides of that House and the House of Lords proceeded on the principle that that property was to be dealt with as public property. They had so dealt with it in the Bill as sent up from that House; they had taken it from the Corporations, put it under control, prevented its alienation, provided against advowsons being sold, and vested it in a new body, to be elected in some cases by the *5l.*, in others by the *10l.* householders. How did the Lords propose to deal with it? The noble Lord opposite certainly proceeded on the assumption, that the Commissioners appointed under the Lords' amendments would have the complete control over the corporation property, checked only by the words, "to be applied to public purposes." But that was not so. By the Bill, the Commissioners had no such power. There were other checks provided besides the general words alluded to by the noble Lord. The amendments did this—they vested in Commissioners, to be appointed by the Crown, the property of the corporation; but directed, at the same time, that the whole of the income of that property should be applied in the first place to pay the salaries of the recorder and judges of the local courts, and that the remainder should be given to trustees under local acts, or where local acts did not exist to trustees under the 9th George 4th., where that Act had been adopted. How, then, could the property of these corporations be misappropriated? The Commissioners were confined by the Act—they could not spend one penny of it beyond satisfying the salaries of the recorder and the judges of the local courts, and all that might remain would go under the local acts, or the 9th George 4th to trustees, and in aid of the rates; so that, in fact, the Commissioners possessed no such discretion, and could give occasion to no such jobbing as had been represented by the noble Lord. The expenditure of the money was still vested in trustees under local Acts of Parliament, or, where the 9th of George 4th existed, in the Commissioners under that Act. It was only in those towns in Ireland where there happened to be no local boards, or where the 9th of George 4th had not been adopted—it was only in such cases that the Commissioners had any discretion at all. Now, it so happened that every one of the eleven towns enumerated in the schedule by the noble Lord had local boards. Others had adopted the statute 9th of George 4th: but there was, he believed, no town in Ireland with property of any amount which had not some local board, to which the Commissioners would be obliged to hand over the corporate property; indeed, this might be done in every town, because, as the law now stood, by adopting the provisions of the 9th of George 4th, and electing Commissioners by the *5l.* householders, the Commissioners under the present Act would be bound to give up the whole property to the trustees to be added to the rates. But there was another species of property to which the noble Lord did not allude, and with respect to which, as public property, what the amendments of the Lords proposed would be of very considerable advantage—he meant the tolls. If vested in towns for their benefit, he was convinced every town in Ireland would be greatly advantaged by the abolition of tolls on goods brought into the town. That was a suggestion in the Report on which the Lords had acted, and abolished tolls. The noble Lord had stated, that the Bill, by the amendments introduced, had been altogether disfigured and destroyed, there being out of 118 clauses 104 essentially changed; but the fact was, the Lords had made no alteration in the Bill but what was necessary for the purpose of vesting the property of the Corporations in the Commissioners, and regulating its disposal. It would not do, therefore, to appeal to that House, as they might to a popular assembly in Finsbury, and ask how they should treat a Bill which had undergone so much mutilation. All parties agreed in this, that the existing Corporations should be abolished; but they did not agree as to the formation of the new bodies. That was the question on which the House had now to decide. He would not fatigue the House by going over all the reasons and arguments which induced him to think that acceding to the Lords' amendments would be the most advisable course for the House to adopt; but one thing, at all events, was perfectly clear,—there was no necessity, as far as regarded the local government of towns, and the administration of justice in them, for the creation of those new bodies. They were not wanted for the purposes of municipal government, and if wanted at all, it could only be for some other purposes. The noble Lord had said, he did not propose that the House should insist on the Bill as originally sent up to the Lords, not having any hope that it would pass in such a shape; but he proposed, as far as could be collected from the noble Lord's speech, something which probably might be agreed to by way of compromise. Now, if the compromise offered by the noble Lord did not essentially differ in principle from the amendments made in the other House, he should most cordially have coincided with the noble Lord in the hope he expressed that the Lords would immediately accede to it; but when he found that the proposition of the noble Lord could not be assented to either by hon. Members on that (the opposition) side of the House, or by those of the other House, who had taken the same view of the present question without involving on their part a complete sacrifice of principle, and a total abandonment of the ground which they originally took when the matter was formerly before the House, he told the noble Lord it was quite impossible to expect that what the noble Lord offered as a compromise could be accepted. The noble Lord had found fault with the other branch of the Legislature, and called upon that House to assert its dignity, because the Lords had, in fact, sanctioned the proposal which had been supported by a considerable minority in that House; and yet, by way of what he called compromise, he proposed that instead of having Corporations in all towns, many exceedingly small, with no property, twelve of the largest towns in Ireland should be selected, the noble Lord presuming that the Lords would agree to that proposition, although it had been already discussed with reference only to seven of the towns, and negatived by a very large majority of the Peers. What sort of a compromise was that? The Lords had rejected the proposition to confine Municipal Corporations to seven of the largest towns in Ireland, and by way of compromise, the noble Lord now proposed to give Municipal Corporations. It was a most extraordinary mode of making a compromise certainly, and seemed to him not at all to meet the difficulty of the case. On what ground did they object to the creation of these new bodies? Because they were useless for municipal purposes, and would form local schools of agitation in every town in Ireland, which, communicating with each other, and with a similar institution in the capital, must be productive of the greatest mischief to the peace and tranquillity of Ireland. And if it were said, they excluded the small towns, still they would create those normal schools of peaceful agitation, of which so much had been said, in the larger towns. That was the first step of the compromise. The next was, that they were to take the twelve great towns and give them Corporations, exactly as specified in this Bill. Then, as he understood the noble Lord, they were to take twenty-two towns, on which they were to render it imperative to adopt the provisions of the 9th George 4th. He believed he had understood the noble Lord correctly, when he said, it would be imperative on the inhabitants of these towns to accept the provisions of that Act, and then, that all their corporate powers and privileges would be handed over to the Commissioners. Was the House aware, he would ask, of the regulations of the Statute of the 9th George 4th, of the mode in which that Act could be introduced into Ireland, or of the mode by which taxation should be regulated under it? It could not now be introduced into any town in Ireland, except on the requisition of twenty-one inhabitants, who were, at the same time, householders to the value of 20*l.* It was they who should put the Act in motion; and upon an application by them to the Lord-Lieutenant, he might direct a meeting of that portion of the inhabitants which consisted of 20*l.* householders, a majority of whom could decide whether they should adopt or reject the Act; and if rejected, it could not, under the Act, be again introduced. The power of accepting the Bill now rested with the 20*l.* householders. If accepted, the Commissioners appointed under it had the power of imposing a rate of a different nature from the rates imposed in this country; it was a graduated rate. Persons occupying a house of a certain extent, to pay 1*s.*; of a less extent, to pay less; and so on, to a rate of 6*d.* in the pound. That was the Statute of 9th George 4th. A similar Act had been passed with regard to England—viz., an Act to make provision for "lighting, watching, cleansing, and paving;" but in the same way it could not be put in force without this check—without, in fact, a still further check, for it required the inhabitants to vote according to the terms of the Vestry Act; so that, unless three-fourths of the inhabitants so assembled agreed to adopt it, that Act could not be introduced. It was now proposed to force the inhabitants of seventeen or eighteen towns in Ireland to take the Act of the 9th George 4th. The Commissioners under it were then to have the whole of the corporation property under their control, and to have the power of imposing this graduated rate. In what, then, did the difference consist? They were to be elected by 5*l.* householders, were to have the whole power of appointing officers, &c.; they were to form a body by the 9th George 4th, and if they were to be forced upon the inhabitants of those towns by this Bill, there would, he contended, be the same evil existing, and to the same extent, as under the present system. He must say, for himself, that the fact of the view he had originally taken upon this question having come down from the other House of Parliament, sanctioned by a large majority of that House, was, in his mind at least, an additional reason why he should not depart from it. The noble Lord had complained that parts of his Bill had been omitted. Certainly, all the clauses (some fifty or sixty clauses) which related to the mode in which burgesses were to be constituted, to the construction of polling, to the appointment of revising barristers, had been expunged. Now he would ask, if they were discussing the question for the first time, and if the Bill had not come down from the House of Lords in its present shape, he would fearlessly ask, could it be likely, in the present state of Ireland, no matter what might be its laws, but seeing the great bulk of the population arrayed against the property of the country,—was it likely, he would ask, that the peace, the tranquillity of Ireland, could be promoted by having these annual elections—by having, in fact, the whole theory of election re-opened every year? He was not speaking of the effect of the creation of those bodies after they should have been called into existence, or of the probable mode in which they might be conducted, but of the very elections themselves, and whether in the present state of Ireland they would be likely to tend to its peace or happiness. And let it not be forgotten, that this Bill, the preamble of which the noble Lord complained had been altered, was introduced for the purpose of securing the tranquillity and better government of Ireland. Would it effect that? Well, during the discussion in that House he had heard hon. Members say, that those who opposed it were offering an insult to Ireland. [" *Hear*," *from Mr. O'Connell.*] The hon. and learned Gentleman, he supposed, meant to confirm that assertion, but he could assure the hon. and learned Gentleman that he would be the last person to offer insult to the people of that country. He might have taken a mistaken view on the subject, but he was not by any means satisfied that the mode in which those who called themselves her friends—that the mode in which they acted towards the inhabitants of that country, was at all likely to tend either to the prosperity of the country itself, or to the happiness of the people. [" *Hear*," *from Mr. O'Connell.*] The hon. and learned Gentleman cheered him when he said he did not believe that those could be the real friends of Ireland who acted as the hon. and learned Gentleman had acted in reference to the starving population of Ireland—who could tell the House that there were 2,000,000 of people in that country in an actual state of starvation, and who, at the same time, would do nothing to elevate or better their condition —who would do nothing to give them food, but whose course, in his humble judgment, must have the effect of preventing what was so anxiously to be wished for in Ireland—commercial and agricultural prosperity. The hon. and learned Gentleman had drawn a contrast between Ireland and Scotland, and the noble Lord opposite had asked, were they to make a difference between them? Now, he was afraid the contrast was too great to admit of the conclusion that had been come to by the hon. Gentleman and the noble Lord. He would ask, was it to " schools of agitation" that Scotland was indebted for her prosperity? [Mr. *O'Connell:* " Yes."] Was it through the exercise of these schools of agitation she was enabled to " crowd her estuaries with ships?"—to " beautify and enrich her towns?"—and to place her commerce and manufactures upon an equality with the manufactures and commerce of England?" Or was it, as the hon. and learned Gentleman had also said, to the abolition of episcopacy—to the destruction of the Episcopal Church in Scotland by the broad-sword of the Scottish people, that that country owed her present prosperous condition? He would ask, too, was it owing to her having had the same institutions and the same laws as this country! Certainly not. She had not the same laws or institutions, and yet how was it that she had advanced? [Mr. *O'Connell:* She has no tithes!] Tithes! Had they no tithes in England? —ay, and in Scotland too! But he would ask, was not her prosperity owing to this—was it not owing to the energies and the spirit of her people having been directed to make the most of those advantages which her union with this country had given her? When the first burst of national discontent had passed away, was it not into that channel the energies of her people had been directed? He should therefore attribute the prosperity of Scotland, not to schools of agitation, but to her ready obedience to the laws, to her fidelity to the throne, and to the safety thereby guaranteed to life, to property, and to capital. And why was it that Ireland did not enjoy these advantages? Was there any commercial restriction upon the trade of Ireland now? Had she not for many years been upon the same footing with England and Scotland? Had she not the vast dominions of Great Britain open to her? How was it, then, that capital was not employed in Ireland in giving to that country a full share of the commercial advantages of England and Scotland. He would ask those who pretended to be the friends of Ireland—and when he used this expression, he did so in reference to the taunt which had been thrown out against him, in being called her enemy, for his view of friendship to Ireland was wholly different from the view of those to whom he alluded; for example, when he asked those who taught, he should say who misled, the people of Ireland and them, he would ask what benefit could arise to the people by inducing them to believe that any disobedience to the laws, whether organized or not—that any agitation, even though it should lead to the abolition of tithes, to the establishment of municipal institutions, or to the supremacy of the Catholic Church itself, could produce that prosperity which another country had arrived at by a far different course? Neither agitation nor disobedience to the law could benefit the people of Ireland. He objected, then, to the noble Lord's compromise, because he believed it would put fresh instruments of agitation and disturbance into the hands of the agitators of the country,—because he believed it would establish a system calculated to keep up that spirit of insubordination in Ireland, which, while it existed, must for ever preclude all hope to see commerce flourish in the country; and because he believed that those institutions, instead of having the effect which the noble Lord had eloquently described, would, in the words of the hon. and learned Member for Kilkenny himself, turn out to be mere schools of agitation, than which he could not conceive anything more prejudicial to the happiness or prosperity of Ireland. He had been led by the taunt of the hon. and learned Member from the course of observation which he meant to have taken, and he had now only to state, which he did most conscientiously, that he had no wish whatever to offer insult to the people of Ireland, or indeed to any portion of his fellow-countrymen; he had no other motive, and he believed the minority with which he had voted on this subject, and the large majority in the other House, had no other motive in the rejection of a portion of the noble Lord's Bill, than that of conferring a benefit upon the people of Ireland, by saving them from the evils to which he had just adverted. For the same reason should he vote against the proposition which he understood to have been made by the noble Lord—namely, to reinsert the 4th Clause. To the minor points, such as the appointment of weigh-masters and other officers to which the noble Lord had adverted, he should offer no opposition, but from the great principle which the clause involved he certainly dissented, because he believed it would have a most injurious tendency. He did not think the propositions of his Majesty's Ministers likely to carry into effect the objects which they professed—namely, the removal of existing evils, and the introduction of tranquillity and peace. On the contrary, he was certain that the bringing forward this measure, the discussions which had arisen upon it, ay, and the passing of it, should it be so, would only have the effect of irritating and increasing those evils. The hon. and learned Gentleman opposite supported this Bill in its original form, because he said it would be giving justice to the people of Ireland, and he opposed it, because he conceived it must unavoidably tend to their unhappiness. He should, therefore, give his most cordial support to the amendments of the Lords. He should have supported these amendments, even if they had not been sanctioned by the other branch of the Legislature; but having been so sanctioned, the respect which he felt bound to pay to the opinions of their Lordships operated as an additional reason in their favour. He did not agree with those who called on the House to stand on their privileges, because the Lords had dissented from a measure sent up to them. It was true they had privileges; but so had the House of Lords. The Lords had a right to make amendments in a Bill, as well as the Commons; they had made amendments in this measure; these amendments had been confirmed by the previously expressed opinion of a very large minority of the Members of that House; the amendments thus made were at the least entitled to respectful consideration, and to him they became an additional reason for again taking the same course which he adopted when this Bill was first proposed.

Mr. *O'Brien* said, that in whatever terms the arguments upon which the Lords' amendments were founded might be conveyed—and the more soothing the language employed the more humiliating it was—the substance of that reasoning was, that Irishmen were unfitted to enjoy the same rights and privileges as Englishmen and Scotchmen. The point in debate was not whether municipal institutions were or were not the best instruments for securing the well-being of local communities—that question had been by the British Parliament already determined—it had been determined that good corporate self-government, under a system of responsibility to the people, was a blessing to the towns of England and Scotland. The question to-night in debate was, whether there was anything in the circumstances of Ireland, or in the character of her people, which disqualified them from enjoying that blessing—from partaking in those rights. For himself, for his countrymen, he indignantly denied the existence of any such disqualification. Into the House of Commons he entered as their equal, and their equal he claimed to be in his own native land. If he were unfit to perform the duties of a town-councillor in the town in which he might reside in Ireland, still more unfit was he to be sent as a delegate to the great council of the empire. If those who had sent him to Parliament were unfit to choose a representative to manage the petty concerns of their own locality, still more were they unfit to appoint representatives in whose hands might hang the balance of the great parties which divide this kingdom on whose decision might rest the spirit and the character of the measures by which this great empire was to be governed. If the House of Commons, by acceding to the amendments of the Lords, were to admit this principle of disqualification, if they were to affix to the representatives of Ireland the brand of degradation, he saw not what would remain to every man of independent spirit, but to return home to his country, to refuse altogether English legislation, and to seek the dissolution of an union from which England reaped all the advantage, but which to Ireland brought nothing but derision, oppression, and disgrace. But happily they were not brought to such an alternative; neither the House of Commons nor the people of England would sanction this principle, and from the injustice of one House; he would with confidence appeal to the justice of the other. He would with confidence appeal to the sympathy of the people of England—and he trusted that if the accommodation now proposed was rejected by the other House, Government would not lose a week in making such an appeal, by a dissolution of Parliament—in order that it might be fairly seen whether the people of England would range themselves upon the side of those who sought to maintain the union of the two kingdoms by the powerful bond of equal laws—equal rights—reciprocal interest—mutual affection—or on the side of those who would dissociate the two countries in feeling and legislation, by infusing into the mind of one country suspicion and distrust, into the mind of the other a galling sense of oppression and its accompanying sentiments of indignation and hatred. It was said, these amendments were framed with the view of protecting the Protestants of Ireland from exclusion, and by way of preventing the Catholics from excluding the Protestants from participation in corporate government. The Lords said, we will exclude you ourselves. As a Protestant he was as such excluded by the Bill of the Lords from the management of those local concerns in which he was as interested as if he were a Catholic. And there was this peculiar acerbity in his position, whether Protestant or Catholic, that if he went to reside in any town in England or Scotland, he was eligible to all those municipal offices which in his own county he was declared unworthy to undertake. The apprehension of exclusion of Protestants was founded upon a false view of the state of society in Ireland. All recent experience showed that in the struggles of party in that country, the question was not whether a man was Catholic or Protestant; but whether he was Liberal or Conservative; and if any party should exist in the municipal elections, which he very much doubted, they would be those of Liberals and Conservatives, and those of Protestants and Papists. But, supposing that the latter should be the case, would it be worse than the struggle between Churchmen and Dissenters in the towns of England? Such an argument as that he was combating was a mere pretext, and if it could apply at all, it applied to the towns in England and to the Churchmen and Dissenters, with quite as much force as to the towns of Ireland and to Protestants and Catholics. Then it was said that these corporations would become normal schools of agitation. And what was the remedy? Why, they had converted the whole of Ireland into one great school of agitation, and such it would continue as long as Ireland was denied the advantage of equal laws, and similar rights. In this school who were now the teachers? Men of property, of rank, of station, of intelligence—men deeply interested in the maintenance of order, but who were also nobly jealous of the honour and the interests of their country. And who were their disciples? The universal people of Ireland. But neither the experience of history nor the suggestions of a sound philosophy would justify the view of agitation which was taken by the opposite party—agitation never was, nor ever could be the mere creature of one individual or set of individuals. For discontent and turbulence there existed in Ireland but one real cause —misgovernment. Remove the cause, the effect would cease. But if unhappily that should be found a difficult task in a country where there was such a mass of wretchedness to contend with, and to retrace so long a career of unjust legislation, he would maintain that it was much safer that discontent should find its legitimate expression, through the means of these corporate bodies, than that it should display itself in a more irregular form, and in a manner inconsistent with the peace and order of society. If a grievance existed in Glasgow or Liverpool, who could so properly communicate that grievance by their strong remonstrances as the local representatives chosen to manage the concerns of the town and to watch over its interests? There was one part of the argument of the opposite party which to his mind was peculiarly humiliating—namely, that in which they contended that this measure would weaken the British dominion in Ireland. They spoke of Ireland as a conquered country—a subordinate portion, not as an equal incorporated part of the United Kingdom. Now whatever other demerits the treaty of Union might have had, at least on that occasion the Irish Parliament approached the consideration of this international compact in an erect attitude, on a footing of the most perfect equality with England, and he had yet to learn that Ireland was so much fallen in power, in resources, in moral influence, in its present, compared with its past condition, that it was to be treated with less respect now than at the time of the Union, and he would tell the House that if they had no better security for the maintenance of the Union than British power, it would indeed be of short duration. The true and only bond of union between the two countries was reciprocal interest, strengthened by mutual attachment, and if once those links were broken, if once the people of Ireland were convinced that they had ceased to have a common interest with England—if offering affection and esteem they met with repulse and contempt, the bond between the two countries might be riven asunder in a moment. He thought it a matter of perfect indifference whether to such towns as Belturbet and Middleton, corporations were conceded; but to deprive the second class towns of Ireland of corporations appeared to him to withhold from them a great good. Inasmuch, however, as the measure proposed by the noble Lords fully recognised the principle of corporate responsible government—inasmuch as it vindicated the right of the people of Ireland to equal franchises with other British subjects—inasmuch as it wiped out the insulting stain which had been impressed on the former Bill by the Lords, he was not prepared to withhold from it his support. If this Bill, however, should be rejected, it was impossible not to foresee the inevitable consequence—and if foreseen they ought to be duly weighed and timely conceded. It was impossible that things could remain in their present situation. In the continued differences of opinion between the two Houses of Parliament all legislation was suspended. If the conduct of the Lords upon a series of Irish questions were such as was wholly incompatible with order or good government in Ireland—if it brought to himself personal degradation, and to his country national dishonour, he should be compelled to make his election between interests which ought never to be brought into conflict with each other; and in such an event he could not prefer the maintenance of irresponsible power, in the hands of a few individuals, to the rights and the interests of his country.

Mr. *Ewart* said, he had been, as every Member of the House must have been, both surprised and delighted by the dexterity which had marked the arguments of the hon. and learned Member for Exeter, and the elegance of the phraseology by which he had enforced them. But acute as all the special pleading of the hon. and learned Member had been, he (Mr. Ewart) had looked in vain throughout the whole of his speech for an answer to the great argument which had been brought forward by the noble Lord, the Secretary for the Home Department—viz., that by adopting the course of legislation proposed by the Lords, you were producing gross inequality between the two nations, whereas the basis of the Union between the two countries was perfect equality. The hon. and learned Gentleman had, indeed, said, that by granting Corporations to Ireland you would make them exclusive Corporations. And he said so, because the great majority of the inhabitants of Ireland were of the Roman Catholic persuasion. Why, in a nation, in which out of 7,000,000 of people 6,000,000 were Catholics (even supposing that the effect of granting Corporations to Ireland would be to make every Corporation exclusively Catholic), could it, with any show of reason, be said, that those Corporations were exclusive? It might just as well be said, that in England the Corporations were exclusive, because an immense majority of the members of those Corporations were of the Protestant religion. In the town, for instance, which he had the honour to represent (Liverpool), the great majority of the inhabitants were Protestants; only about one-fourth being of the Catholic religion. Yet had it ever been brought forward as an argument why Liverpool should not have a Corporation, that the effect of giving that town a Corporation would be (as it certainly had been) to make it exclusive? exclusive, *i. e.* of the minority. With how much less force, then, could that argument be applied to Ireland, where so vast a majority were of the Catholic religion. The hon. and learned Gentleman, the Member for Exeter, had stated in the course of his speech, that Municipal Corporations were very fitted to act in barbarous times, as a barrier between the Monarch and the people; that they had been very beneficial at the period in which they were introduced into Ireland, as protecting the people against baronial encroachments, but that they were not required in this more civilized and enlightened age. Whether or no there might not even now be some need of protection for the Irish people against "baronial encroachments," he (Mr. Ewart) would not take it upon himself to determine; but this he would ask the hon. and learned Member for Exeter, whether Prussia, when she chose to confer, at no earlier a period than the year 1808, the benefits of Municipal Institutions upon her people, was a barbarous or an enlightened nation? And the same question might be asked as regarded France. But in truth there was no necessity to travel so far to prove the fallacy of this argument. Why, if it were a sound and statesmanlike argument, why was it not used by hon. Gentlemen opposite when new Municipal Corporations were about to be conferred upon England, and when they were about to be re-introduced into Scotland? Were either of these countries more uncivilized than Ireland? And what consistency was there, then, in the argument of the hon. and learned Gentlemen, which would give the civilized and enlightened country the benefits of Corporations, and, at the same time deny those benefits to the country, the inhabitants of which were still in a great measure uncivilized, rude, and uninstructed? The hon. and learned Gentleman had contended that there was no necessity for Corporations in Ireland for the purposes of civil government, or for the administration of justice; and he dwelt particularly upon the latter. But he never reflected that Municipal Institutions were not required merely as instruments of police. They might be applied to the attainment of many other equally and more beneficial objects;—to the instruction of the people, the encouragement of knowledge and the arts among the people; in short, they might be useful in a thousand, though not at first sight obvious ways, in promoting the welfare of the people. He believed that Corporations had been already in England productive of an incalculable amount of good, and could he, as a friend to Ireland, refuse to grant them to such cities as Dublin, Limerick, Cork, and Belfast? He could not help remarking upon the situation in which by supporting, through the various shapes it had assumed, the proposition that Corporations were unnecessary, and should not be granted to Ireland, the right hon. Baronet, the Member for Tamworth, had placed himself. He could not refrain from respectfully observing, that having now advocated a different system of legislation for the different portions of this empire, history would point to him as having, in 1829, recognized a principle which he had abandoned in 1835. Hon. Gentlemen opposite would, by the plan which they were now advocating, deprive the people of Ireland of the means of political education. They had already given them the right of electing Members of Parliament; they would now refuse them the best means of instruction in exercise of their political franchise. Municipal Corporations would supply the best possible schools in which to study the principles of government; and by acquiring a knowledge of those principles in the management of their own local concerns, men would be fitted to exercise the franchise with which the Legislature had invested them, for the general government of their country. Besides which, the result of his (Mr. Ewart's) experience led him to believe, that the men who were accustomed to the administration of the local concerns of their Municipal Institutions were most likely to be orderly and useful members of society. But if hon. Gentlemen opposite could not be influenced by a sense of duty, or by feelings of justice to Ireland, he (Mr. Ewart) would ask them, whether by refusing Corporations to Ireland, instead of merely having normal schools for peaceful agitation, "they would not turn Ireland, from one end to the other, into one vast university of agitation?"—He asked those orthodox agitators who opposed the measure of Government, whether, in doing all they could to produce such a state of things, they were consulting the interests of Ireland,—the interests of Great Britain? They were in so doing acting as the enemies both of the people and the Crown,—for it never could be the interest of the Sovereign of these realms that gross inequality should exist among his subjects. What ground had the hon. Members opposite for the scheme they proposed as a substitute for Municipal Corporations in Ireland. What ground could they produce for acting in regard to Ireland upon different principles from those on which almost every other Government in Europe acted. He (Mr. Ewart) could tell them, that in demolishing Corporations in Ireland, they would be following the example of Napoleon Buonaparte alone; for when he stepped from the First Consulship to the empire, his first act was the suppression of Municipalities throughout France. He (Mr. Ewart) congratulated hon. Members opposite on the admirable precedent they could point to in their favour. Would the course proposed to be taken by hon. Members opposite be favourable to the stability of the other House of Parliament? In his conscience he believed that if any question was likely to shake to its foundation that House, it was the question whether or not Ireland was to have Municipal Institutions analogous to those of England and Scotland. A country already so agitated by intestine divisions, was not, in his opinion, likely to be soothed by the refusal of a just concession. And if the agitation which would ensue upon that refusal, should lead to the agitation of another question which would strike at the very existence of the other House of Legislature, those hon. Gentlemen, themselves, would be answerable for all the unfortunate events which the agitation of such a subject might produce who had provoked its discussion, by denying justice to Ireland, and on their heads would rest the responsibility of having, by refusing equality in Municipal Institutions to Ireland, kindled a flame, which might not only put an end to all peace of society in that country, but might end in destroying the integrity of the British Legislature itself. He (Mr. Ewart) believed that the people of England and Scotland would respond to the noble and eloquent appeal of the noble Leader of the Government in that House; at the same time he was glad to see combined with the manly assertion of the principles on which Ireland ought to be governed that dignity and calmness which should be inseparable from all the proceedings of that House. He felt convinced that the people, not only of Ireland, but of England and Scotland, would support the Government in their refusal to participate in the system of legislation, with respect to Ireland, proposed by the House of Lords; and that if an appeal were made to the people, the result would be strongly in their favour, and he believed, that not only the present generation, but posterity would condemn the unequal and unjust principles of Government, adopted by the other House of Parliament.

Colonel *Conolly* said, that the manner in which the Gentlemen on that side of the House, from which the hon. Member who had just sat down had spoken, conducted themselves in this debate, seemed to show that they were disposed not to take any notice of the real merits of the question, but to content themselves with stamping hon. Gentlemen on his side with unfair, illiberal, unjust, and unjustifiable motives. Hon. Members had talked a great deal about the dignity of the House, but he could not understand how that dignity was in the slightest degree preserved by applying to hon. Gentlemen on his side of the House such contumelious terms as "Orthodox Protestant agitators." That was as unfortunate an expression as ever escaped from the mouth of any man; indeed, it was difficult to know what they meant. He could not understand how the term "agitation" could be correctly applied to the course of conduct, or the style of language, of any hon. Member on his side of the House. They had only complained of the dangerous course of agitation pursued in Ireland, and were anxious to prevent fresh power being put into the hands of one for whom it was intended. The object of the measure, he contended, was to strengthen the hands of that individual. The hon. Member had characterized the old Corporations as the greatest nuisances, and now that both Houses of Parliament had agreed to abolish them, he objected to the very position he had before laid down. But if those Corporations were nuisances, and useless, as not only had the hon. and learned Member for Kilkenny, but many hon. Gentlemen on the other side of the House, asserted, would it be desirable, considering the peace and welfare of the country, to renew those institutions. Hon. Members on his side of the House had made a considerable sacrifice, in which the Lords had agreed, in surrendering the Protestant ascendancy of those Corporations; they had deprived them of their exclusive character, and should they now invest them with it again? Could any Irishman say, that it would have any other effect than that of strengthening agitation. Was such a course likely to produce the least good effect? During the recent Parliamentary recess this question had been industriously agitated in Ireland, and he had heard even of a learned Sergeant attending a meeting in Dublin, in company with two culprits, who had been liberated by the Royal clemency from Kilmainham gaol, to agitate. Such was the use made of the recess; the people were forced up into action by circular letters, calling them out, and desiring them to demand Municipal Corporations. He had reason to know, however, that they were not so anxious upon this question as some Gentlemen wished to make it appear. The learned Sergeant, however, and his two culprits, who had been convicted of a flagrant outrage committed at the same place, were lamentably in want of an audience on the occasion referred to. They tried to throw the public mind into a state of agitation, but they lamentably failed. He had received letters from Belfast and Derry, informing him, that letters mandatory had been received from Dublin, directing the agitators in these places to excite agitation—but comparatively speaking, the attempt was a failure. There were hon. Members opposite who always spoke as though they represented the whole feeling of Ireland; but he had the honour to represent a large county, and being also connected with the counties adjoining, he should do the people of Ireland injustice, if he did not say, that the feeling of indignation which was said to prevail universally at the refusal of Corporations, did not exist at all in that part of the country. The merits of the question were entirely overlooked, because it was too much the fashion now in that House to speak, not to the hearers, but to people out of doors, so that even the House of Commons itself was made to a certain extent the means of ultimate excitement and agitation in the country. But it ought to be known that there were towns in Ireland which did not wish to have Corporations. The principal towns in Ulster objected to the measure as it was originally put forth, and many of his hon. Friends had received letters from several parts of Ireland, requesting them to sustain the Lords' amendments. In the compromise, as it was termed by the noble Lord, the Secretary for the Home Department, it was made compulsory on the minor towns to avail themselves of the 9th George 4th. Why should it be attempted to force Corporations upon the towns of Ireland? Only seven of the towns had adopted them when left to their own free will. Why should places which were unable to bear the expense of Corporations, have them forced upon them against their will by Act of Parliament? The fact was, that the real object of the Bill was to get possession of the property belonging to the few Corporations that remained, and to establish places of political discussion in the twelve large towns proposed. It was a mere subterfuge, adopted for promoting the Repeal of the Union, by carrying on a systematic course of agitation, under the subterfuge of conducting Corporation business. Although the House declare, that they would not entertain the Question of the Repeal of the Union, they would practically effect that object by adopting the amendments proposed by the noble Lord. As a freeholder of the city of Dublin he had a right to express his views, and to declare that to be his apprehension. If they entertained the measure as it was again proposed to them, he was sure they would hasten the Repeal of the Union, and effectually dissolve the connexion between the two countries. In Ireland the practice was to connect this subject with tithes, in order to increase agitation; but, for want of a better topic, a ridiculous attempt had been made in London to mix it up with the question of monopoly in coals. The real object of (said the gallant Member) this Bill, I repeat it, is to get hold of the property of the Irish Corporations—that is, whatever property they possess, and to transfer whatever of political power or influence such bodies must possess, to the Roman Catholics, to be wielded at will by the hon. and learned Member for Kilkenny. The more, however, that hon. and learned Member possesses, the worse shall it be for the peace of Ireland and the general integrity of the State. The more means of agitation the hon. and learned Gentleman and his party obtain, the more rapid will his strides be to the goal of his reckless ambition, and this is, what he has ever declared it to be, the destruction of the Protestant Church of Ireland. For these reasons, Sir, I shall give my cordial support to the measure as amended by the House of Lords. As I have ever entertained towards it a high respect, so I shall ever repose the most sincere confidence in any opinion which emanates from that branch of the Legislature. That House, in these days of danger to the empire, I look upon as the last bulwark of the Constitution against the inroads of an unprincipled democracy.

Viscount *Clements* said, the hon. and gallant Gentleman on the other side was somewhat indignant at the application of a term. He complained loudly of being designated "Protestant agitators," and as he progressed towards the conclusion of his speech, he became absolutely furious at the idea of their being characterised as "orthodox Protestant agitators." The hon. and gallant Gentleman was anxious, he had no doubt, to repudiate the charge so far as he himself was personally concerned; but he thought it was an excess of chivalrous feeling which prompted him to repudiate the description when applied to his Colleagues For his own part, he had felt more than indignant when he heard three-fourths of his fellow-countrymen described as aliens in blood, aliens in language, and aliens in religion, by a noble Lord, whose genealogical pretensions were founded on little that was English, either in feeling or in birth. He had no hesitation in designating such terms as these as "orthodox Protestant agitation." He believed that the declaration of the noble and learned Lord embodied the feeling and the prejudice of a party in the other House of Parliament, who were anxious to put a stop to popular government in all countries, but especially in that country to which he had the honour to belong. If that party dared to speak in public what they thought in private—if they had the manliness or the candour to give free expression to their feelings, they would admit at once, that popular government and popular control was their abomination. Let them state the broad principle on which they refused justice to Ireland, and the universal people of England would rise to a man against them. They refused to apply the same principle to Ireland which had already been applied, and found to work so well, in England and Scotland. But if the principle of municipal government had been applied to Ireland, and if the same principle had been refused to England, what would have been the feelings of the people of that country? Why, they would not endure the tyranny for a single hour. It had been said, that Ireland would be better without municipal government. This was a matter of opinion, but he presumed the people of Ireland were the best judges of what was calculated to benefit them. It had been said that Scotland had done very well without municipal government, but it had not been asserted that she did still better when she had obtained it. He had observed that a spirit existed, in certain quarters, to deprive Ireland of free institutions; but he could tell them that the people of Ireland would never rest satisfied till they were in possession of every right to which they were justly entitled, and till they were placed on a perfect equality with their brethren of England and Scotland. It had been advanced as an argument against Ireland, that she was not ripe for municipal government. Such an argument as that carried its own refutation along with it. It had, however, been completely exposed by the noble Lord, to whom, on the part of the Irish people, he tendered his cordial thanks. The reformation of the Irish corporations was absolutely necessary. This was admitted on all hands. The measure was not intended to last merely whilst the Irish were good boys. It was to be a final measure, and the sooner they set about rendering it such, the better for themselves, and the better for the peace and prosperity of Ireland and the empire. The noble Lord concluded by saying, that although the measure proposed by the Ministers, did not go as far as he wished, or as far as Ireland was entitled to expect, it should have his cordial support, inasmuch as it recognised the right of his country to the same privileges and institutions as England.

Captain *Berkeley* said, on a former occasion he had been taunted by the hon. Member for Kilkenny with having received hospitality in Ireland, and having voted for the Coercion Bill. He had felt it his duty on that occasion, to vote against the principles he had ever professed. He did not then think that the day ever would come when he should almost blush for the vote he then gave; but when he heard the speech of the noble Lord in another place, asserting that the people of Ireland were aliens, he felt that his vote was wrong—that he ought to be a repealer. But he did not believe it possible, that that language would be responded to by any man in that House. He would appeal to Irishmen, with their characteristic generosity, to forget that the words were ever used by an Englishman, and to be assured that they were not responded to by the English people. They were the words of a self-willed, bigoted person, who would cast firebrands through the country, rather than give up his own selfish purposes. When he gave the vote he alluded to, he gave it conscientiously; and he would now conscientiously vote for the proposition so modestly but firmly brought forward by the noble Lord.

Mr. *Grove Price* was unwilling to use any observations derogatory to the character of any individual Member of the other branch of the Legislature, but he must say, that the words attributed to a noble and learned Lord, as having been used by him in reference to the people of Ireland, were unworthy of any senator in his place. But he would never believe that the word "alien" was used generally; on the contrary, he would contend that it ought to be taken in connexion with the other parts of the argument—it was, he believed, mentioned in explanation of that which appeared to have been mistaken by those who raked up the early history of Ireland, without rendering it in the least degree applicable to the present measure. He regretted, then, that a noble Lord opposite should have thought it necessary to drag in the mention of such a phrase merely for the purpose of exciting a temporary feeling in the debate. It would be unfair and wrong in any course of argument to fix upon a particular expression which ought not, and which could not, with propriety, be separated from the general course of the argument. To the speech of the noble Lord opposite he had listened, as he had to other speeches on that side of the House, with patient attention, and he could not help saying that they forcibly reminded him of an anecdote which, as the noble Lord was an historian, he might probably recollect; it was not one of the middle, but rather of the later, ages;—it was recorded of the Chancellor of Sweden, that in sending his son to the Congress of Westphalia, he said to him, "Nescis, mi fili, quam parva sapientia regitur mundus." He begged permission to call the attention of the House to that which really was the state of the case with these Corporations. They were planted in Ireland for two purposes; to that statement he hoped and believed that the hon. and learned Member for Kilkenny would subscribe: and those purposes were to civilize and humanize the semi-barbarian inhabitants of that country, and to diffuse what he would call the pure light of the Protestant religion; according as the principles of constitutional law became better understood, as civilization advanced, and as the people began to repose increased confidence in the impartial administration of justice, their continued existence became less and less necessary; he still, however, should say with Burke, that he abhorred the abolition of ancient institutions, but there were cases in which a departure from the rule became a duty. Would it not be infinitely better to put down the Corporations than to see them converted into Jacobin clubs? into normal schools of agitation, with Dantons and Robespierres in every town in the empire? He was as fully aware as any man living could be of the difficulties with which the question was surrounded—he felt that to be called on to make a choice was most embarrassing, but that of two evils he should, of course, choose the least. It was alleged that Ireland would be badly treated if she did not receive a measure of Corporate Reform of exactly the same kind as England and Scotland. That opinion was founded upon most unphilosophical and unconstitutional views. Nothing could be more grossly erroneous than to assume that a measure must of necessity be advantageous to Ireland, because it had proved so to a great part of the United Kingdom, wholly dissimilar in all the elements of national character. But it had become a very serious question whether or not the Bill for reforming Municipal Corporations in England and Wales had proved successful. He would ask, had it added to the peace, good feeling, and kind offices of society? He believed that a general answer in the negative would be given. Then, if it had not succeeded in England, what chance of success could such a measure have in Ireland? Surely, perpetual elections ought not to be allowed to dissolve the bonds of society by keeping up perpetual heart-burnings, ill humour, and distrust. There was no one having the least practical acquaintance with the subject could for a moment doubt that one Municipal election was worse than fifty elections for Members of Parliament. The establishment of such a system in any country was not to be endured. Men were surely born for higher purposes than for spending their days amidst the contention and violence of popular elections. He admitted, that it was a difficult question to deal with a people circumstanced as the Irish were, and of their peculiar temperament; they were kind-hearted, but at the same time liable to sudden impulses, and easily made the prey of impostors and mountebanks. In that country the power of popular agitation existed in all its force, and held out terrors there peculiar to itself. He hoped the House would recollect that the present measure was the same Bill which a large minority of the House of Commons had voted against, and which the House of Lords had actually rejected by a very large majority. How, then, could the noble Lord call upon Members, sitting at that side of the House, to abandon what they had previously pledged themselves to; the more especially when that pledge had received the sanction of the other House of Parliament? Were the two Houses blended together, the present proposition would be at once scouted. Was it then to be supposed, that in calling upon the House of Commons to reverse its previous decision, a single waverer would be found amongst the number of those with whom he had been in the habit of acting? On the contrary, he felt persuaded that there was not one amongst them, who would not rally round that portion of the Legislature which he could not but regard as now presenting one of the best bulwarks and protections of the people's rights. For his part, he knew nothing of the secret divans that might have sat at Lichfield House,—he knew nothing of the documents that might have been signed and sealed there, but he thought it not utterly impossible that a scrutinizing eye might discover amongst them some mention of the Church of Ireland, and the Municipal Corporations of that country. The hon. and learned Member for Tipperary avowed all that he but ventured to surmise, while the hon. and learned Member for Kilkenny denied the whole; he begged to say, he entertained so high an opinion of the former, that he could not refrain from yielding him implicit credit, and taking for granted that the statements respecting the conferences at Lichfield House were perfectly well founded. The noble Lord and his supporters then presented themselves in a situation somewhat similar to Hotspur and Owen Glendower in which the one said to the other (he did not profess to quote the exact words,) "Thou shalt have a district here, and I will take a territory there; this shall be mine, and that shall be thine, and thus shall we partition the realm." In such manner, then, was it, that the noble Lord expected, by partitioning the dominion of Great Britain and Ireland, to conciliate the worst enemy of the empire, the inveterate foe of England. To him the noble Lord seemed to say, "You shall have the Corporations and the Church of Ireland provided you maintain me in power here. You shall be Dictator there, and let me be Minister here." His wish was to deal with the question before them in a spirit of perfect good temper and frankness, and particularly so when he spoke of the apprehended collision, the bare mention of which appeared to be so alarming. Now, he begged to know, if the House of Commons should not acquiesce in the alterations of the Lords, did that of necessity involve a collision? By no means, according to his view of the matter. He should like to hear any constitutional lawyer get up in his place and say, that such a proceeding amounted to a collision between the two Houses. He professed not to be able to recollect more than two instances of collision between the Houses of Parliament —one in the reign of Charles 2nd, the other in the reign of Queen Anne, and those arose out of matters of privilege materially affecting the independence of the other House. He presumed it would not be for a moment disputed that the House of Lords possessed as ample and as perfect a right to alter, amend, and even reject every bill submitted to Parliament as the House of Commons had; to deny it would be to carry the democratic principle to a most violent and unconstitutional length, and he was glad to be able to say that the Chancellor of the Exchequer agreed with him in that; it was absurd to suppose that the mere rejection of a bill amounted to a collision, as it was an event of very frequent occurrence that the one House should reject the measures of the other. Had that ever before been called collision? No, it could not with truth be called collision; but the fact was, the democratic principle had gone so far, that in the opinion of some it had become impossible to resist its further progress. [*Hear,*

hear! from the Ministerial Benches.] The constitution was now to be defended upon its real grounds, and it appeared from the cheers of the hon. Gentlemen opposite, that when the facts were fairly and fully brought forward, they did admire the advancing and encroaching spirit of democracy, but that they did not admire the British Constitution. The equal and undoubted rights of the House of Lords did constitute one of the principles of the British Constitution—at least so he read its principles, after the most careful and attentive perusal of the writings of those who had watched over the constitution in its darkest hour, and presided over the revolution. It was their writings which formed the true political scripture, and not the Babylonish jargon of certain modern politicians. Heretofore, it had ever been held, that there were three estates of the realm—King, Lords, and Commons, but recent events had created a fourth power—that of popular agitation; it was a power unknown to the constitution, and at variance with all law, which went to give the supreme power to the mere will of a certain number of individuals, without regard to education, virtue, property, knowledge, or any of the means by which a sound judgment on political affairs could be formed — which gave to mere brute physical force that ascendancy which ought to belong to high moral and intellectual qualities. He would repeat, that that fourth estate was one of brute physical force, and he used the words in the manner that "alien" had been used as part of the argument; and he would further say, that if that fourth estate were to maintain its ascendancy gross ignorance would soon ride roughshod over public virtue and knowledge — that fierce passion would assume the place of cool deliberation, and thus the nation be at the mercy of those who had the talent to guide and those who had the folly to obey.

Mr. *Ward* stated, that there was one observation which fell from the hon. Member opposite in which he was disposed to concur—it was this, that the world was governed with very little wisdom. He did not see any necessity however for referring to the treaty of Westphalia to illustrate that which required no better instance than another branch of the legislature. It required no better instance than the conduct of an individual whose words appeared now to have an undue weight attached to them; for however obscure himself, as an individual, that person was, yet he was put forward by the proudest aristocracy in the world as their leader. That individual had stood in his place in another House to stigmatise the people of Ireland. [*Order!*]

The *Speaker* observed that it was exceedingly inconvenient to make personal observations reflecting upon the language of any individual in another place. He wished to impress upon the House, that upon this occasion it was most important that the language used in another place should not be referred to.

Mr. *Ward* did not mean to observe further on the subject. A defence was made, and an explanation offered, for that expression upon one side of the House—an attempt had been made to explain it away. Now he had distinctly to say, that he had heard the words used which had been referred to. An hon. Member opposite had proceeded even to argue that no such words had been used; now he had to state distinctly, that the words were applied in the manner that had been stated.

Mr. *W. Duncombe* spoke to order. It was quite contrary to the rules of Parliament to alluded to anything whatever said in the other House of Parliament.

The *Speaker* observed, that such was the rule of the House, and he hoped it would not be violated.

Mr. *Ward:* It was not by him that the rule had been violated. He did not wish now to press that topic any further; but it had been used as an argument on the other side. He came now to consider the course which the noble Lord had proposed. The course suggested was one that he with some reluctance could be brought to adopt. What he would have wished was, that when the resolutions proposed to them, on a former discussion upon this Bill, had been set aside, and they found that those resolutions which had been rejected were again sent down to them, that the plain and simple course was adopted of refusing them. That, however, was not the line which his Majesty's Ministers had taken, and which some of their supporters would have wished them to adopt upon this occasion. It was his belief, it was his expectation, that the measure of conciliation which his Majesty's Ministers proposed, and the attempts at compromise that they made, would be rejected, if it so happened it would place them in a situation to prove that they were more in the right in the eyes of the public. When he considered what were the first principles of government, and that in this case an insult was offered to Ireland—to one-third part of the British empire—he was astonished at the temerity of those who presumed so to act. Upon what rested the opposition to this measure? It was the old story of normal schools of agitation—it was the old stale story of coalescing with the hon. and learned Member for Kilkenny. Did any one taunt hon. Members opposite with their meeting at Bridgewater-house on the preceding morning? They coalesced who were friendly to the same principles—they were fond of coalescing who had congenial tastes and feeling. The hon. Members opposite cheered the expression. They were led to unite from congeniality of principle—it was injustice to Ireland—while congeniality of principle upon his side of the House united them to obtain justice for that country. He was prepared to go the length of saying, that congeniality of principles was a fair bond of union upon both sides of that House. The hon. Member for Sandwich had spoken of secret covenants—who ever yet had talked of a secret covenant confided to 300 persons—for they were 300 in number, and they had outvoted their opponents in a Parliament called by their opponents. In their own Parliament, by a majority of sixty-four upon a great public principle, they professing to maintain those principles, they drove the right hon. Baronet from the benches on which he sat, while those who supported those principles were, thank God! borne to that place which the right hon. Baronet had occupied. He told those who opposed those principles, it was vain for them to struggle against the success of them. He would place the question before them. They (the Opposition) were now acting in conjunction with another branch of the Legislature—they were a minority in that House—a minority in conjunction with a majority in the other House. Great principles were involved, great and serious consequences were to be apprehended, and the difficulties were such as not to be easily got over. Let them fight the battle fairly, but let them not do so concealing from themselves the consequences. In reference to what had been said by the hon. Member for Sandwich upon the subject, he would say, that he did not look forward with pleasure to a collision—God forbid! He did say, that he could not see, without very grave apprehension, that collision: he could not tell how it would terminate. They saw it bringing the whole machinery of Government to a stand—leaving the people without a Government. The Opposition, instead of lending their hands to a compromise, were prepared to maintain by their opinions the majority of the other House, in their aggression. Then the sense of the country was to be appealed to. Would not the Opposition fail in procuring their opinions to be maintained by the country? Let them, he said, agree upon a course to be adopted. Let that appeal to the sense of the country be final, or there was no knowing what the consequence might be hereafter. Hon. Members had spoken of the authority of the other House; they had spoken with respect of the course adopted, which went to deprive eight millions of British subjects of their rights and liberties, by taking from them their privileges as freemen. The doing this was a legitimate cause for agitation; and he would say this much, that if he were an Irishman he would join in that agitation—if he were an Irishman he should never cease in that agitation until he had obtained those rights. The hon. and learned Member for Exeter had brought into this discussion the question of poor-laws as a charge against the hon. and learned Member for Kilkenny, and after arguing upon some technicalities, he made a charge against the hon. Member, that he had done nothing for the advantage of the poor. When that hon. and learned Member made such a charge, he was not aware that the hon. Member for Kilkenny had come down on the preceding evening to support a motion the sole object of which was to benefit and relieve the poor of Ireland. He (Mr. Ward) had himself this motion on the paper—it was acceded to—but he was prepared to enter into the question of emigration; and the hon. and learned Member for Kilkenny was prepared to support his motion. The hon. Member concluded, by stating that he was prepared to give his support to the course proposed by the noble Lord.

Mr. *Hamilton* said, I rise as a Representative of the city of Dublin. The hon. and learned Gentleman opposite, the Member for Kilkenny, may call me perhaps the representative of the Corporation of Dublin; if the fact be so, I shall not be ashamed of the designation. That Corporation had performed faithfully their political duty. Constituted originally as a link to connect the interests of the two countries, reconstructed afterwards by subsequent monarchs for other and most important objects, to cherish and keep alive a spirit of attachment to the British connexion, a spirit of submission to British law, a spirit of devotion to Protestant institutions, and a spirit of loyalty to a Protestant king; they had kept their faith. They discharged their political duty heretofore, and in voting for the Bill as amended by the Lords, I am persuaded I shall be speaking their sentiments, and in acquiescing in those amendments, and resisting the proposition of the noble Lord opposite, they will be discharging their political trust now. Sir, I am not at all surprised that hon. Members on the other side of the House should be disposed to dissent from, or sneer at, the assertion I have made, or that they should urge against us and against them—against us, that we are acting inconsistently with our own principles; against them, that they are instruments of their own degradation, and committing a kind of political suicide. It is not my intention to occupy much of the time of the House. I am unwilling to trespass upon it at all, but I think I should not be doing my duty to my constituents or myself, if I was to abstain from stating my reasons for the vote I shall give; and I trust I may be able to show that there is nothing paradoxical in the proposition I have advanced, and nothing inconsistent in the course we are taking. Sir, I will confess it does appear to me, that in the political conflicts we have been witnessing here of late, hon. Members on the other side of the House, wisely for their own purposes, have put forward rather the details than the principles of their measures — that they have endeavoured to make the conflict a conflict of details of particular measures, rather than of principles, or if of principles—that the principles they have put forward had been subordinate and not primary principles—and that by drawing us into a war of details, into a defence of secondary principles, they have endeavoured to fix on us a charge of inconsistency, and, under cover of those secondary considerations, have studiously kept out of view the great primary objects and principles in reference to which Members on all sides of the House are really actuated, in reference to which the questions ought mainly to be argued, and our consistency or inconsistency determined. I think the question now before the House —the question of our Irish Corporations—the combined question of our Corporations and our Church, for they are combined in argument, will illustrate very appropriately what I have been endeavouring to urge. It has been thrown in our teeth, and brought against us as a charge of inconsistency, that while, with reference to our Corporations, we argue that they should be abolished in Ireland, though they are retained in England, on account of the dissimilarity in the circumstances of the two countries — with reference to the Church, we argue it should be supported in Ireland, notwithstanding the disparity in numbers, on the ground of its being necessary to maintain an identity of institutions; and then, Sir, we are drawn into long calculations with regard to the amount of Church property, the probable extent of the contingent surplus, and the stipend that may be sufficient for the support of a clergyman; and in respect of the Corporations, questions are raised as to the nature, and object, and amount of corporate property—the application of its funds, and the right or expediency of domestic management. Sir, I will yield to no man in the estimation I entertain of the importance of these details; but still I cannot help thinking that even the hon. Member for Kilkenny cannot but agree with me in opinion, if he would but confess it, that the real question in the one case is not merely the state of the Irish Church, or the amount or distribution of its revenues—or, important as it is, the inviolability or appropriation of its property—or, as to Corporations, that we are now assembled here merely to discuss the management of about 20,000*l.* a-year, or even the assimilation of institutions—but that, in both cases, behind these questions there is another and more important one, in reference to which we are really actuated in giving our votes. Why, may I inquire, do we resist the appropriation clause? Surely it is not merely for the sake of our religion and our Church. Sir, I agree in this with the hon. Member for Weymouth — I have no fears for my religion; resting on the basis of revealed truth, and upheld by an arm that is stronger than the arm of man, it needs not the support of law; but are there no other considerations involved in the Church question? Has the appropriation question no bearing upon the Constitution? In demoralizing the religious structure of the

State, will the political structure sustain no injury?—and in demoralizing the constitution of these Corporations, will not the principle of democracy be itself advanced? Sir, it is because I feel that in the present state of these countries there are two great principles contending for supremacy, and now nearly balancing each other—the one a principle, as I believe, of constitutional freedom—the other, a principle of reckless and ungovernable democracy. Is the one unfavourable to real and practical reform? Look to the measures of the right hon. Baronet—look to his labours in improving the criminal code—look to that great measure, the abolition of negro slavery, the measure of the noble Lord, the Member for Lancashire. Is the other productive of real amelioration? Let the paralysis of legislation during the last two Sessions afford an answer to that. And whence has that paralysis arisen? Why, from measures having been brought forward, not for the sake of the measures themselves, but for the sake of the principles covertly involved in them—from propositions being made in politics, for the purpose of whetting, but not of satisfying the appetite of the people for change. Sir, it is because I feel that in all questions reference should be had to these important considerations—that the object to be continually had in view, under existing circumstances, should be not so much the advantages of adverse or contending measures, as the predominance of adverse principles—because I feel that if there is any force in these observations, as they apply to England, there must be tenfold force in them as they apply to Ireland—a country in which the spirit of democracy is organized, and concentrated, and directed by a master-mind—because I feel that by the proposition of the noble Lord, increased power and increased means of extending itself, will be given to that democratic spirit—because I feel that agitation will be thereby increased, and the improvement and prosperity of my country be thereby impeded, I think that I should be inconsistent, and not consistent, if I assented to that proposition.

Mr. *O'Loghlen* was somewhat surprised to find the hon. Member who had last spoken, and one too who represented a city containing 220,000 inhabitants, come forward and support a Bill which deprived that city of any corporation whatever. He should have expected from that hon. Member, who professed so much respect and veneration for Corporations—he should have expected from him, that he would have supported the proposal submitted by his Majesty's Government, including a proposal to give to that City a Corporation, founded upon the principles of this Bill. In the course of the debate, an observation had been made by the hon. Member for Exeter. It had been said, that there was very little difference between the measure sent up to the House of Lords, and the amendments that came down from that House. The hon. and learned Member for Exeter alleged, that the Corporations of Ireland had hitherto had very little to do, except in the administration of justice. Now it happened that the Bill as sent from the Lords effectually took away from these Corporations all share in the administration of justice. But did the hon. and learned Member really mean to say, that the Corporations of Ireland had had nothing else to do but to administer the laws? Let him look at the Corporation of Dublin, with a revenue exceeding 34,000*l.* per annum, which had been almost exclusively devoted to sectarian and extrinsic purposes. And did he mean to say that these Corporations had had no effect upon the constitution of society in Ireland? He (Mr. O'Loghlen) appealed to the local affairs of Dublin, and other corporate towns in Ireland, both as related to the administration of justice and otherwise, for many years past; and he would ask, had they not had a very considerable influence on the state of society in that country. But the fact was, that the Bill as it came from the Lords, deprived the Corporations of Ireland of all share in the affairs of justice; and in that respect, if in no other, it was entirely different from the measure of Municipal Reform which had been passed for England. Now with regard to the corporate funds. The hon. and learned Member for Exeter said, that the Royal Commissioners would be bound to give the disposal of the funds into the hands of the Local Commissioners, under the 9th Geo. 4th. But the words of the 40th Clause of the Bill as it came from the Lords were, that the Commissioners should "cause to be invested in their names, or in the name of their treasurer, any monies forming part of any town fund, in any stocks, funds, or securities, and alter and vary such stocks, funds, and securities, as they shall think proper; and in all other respects manage the property comprised in every or any such town fund, and invest or dispose of the same, and all revenues thereof, in such manner as they shall think most advantageous;" and yet they were to be told by the hon. and learned Member for Exeter, that the Royal Commissioners would have to give up the town funds into the management of the Commissioners appointed under the 9th Geo. 4th. Now the fact was, that it was only as related to such a very small portion of the corporate funds as would answer to certain matters for which the inhabitants were at present rated, that the authority of the Commissioners of the 9th Geo. 4th. could at all exist. It happened further, that there were only eleven towns in all, in which there existed boards under the 9th Geo. 4th, who were entitled to dispose of public money. The hon. and learned Member for Exeter declared, that the Commissioners under the 9th Geo. 4th. were not a political body, and had done their business admirably well. Then, he would ask, what objection was there to give the town property, directly into their hands, instead of circuitously through the hands of the Royal Commissioners, as was now proposed. But taking the proposition which was held out to them, let them suppose the case—namely, that these Royal Commissioners should one day be appointed and directed by persons, who considered the great mass of the people of Ireland, as aliens in blood, in feelings, and in religion; what prospect would there then be, that the corporate property should be disposed of in a way agreeable to the interests or the feelings of the people of Ireland? It had always been the policy in framing Local Acts in reference to Ireland, to make the corporate officers *ex officio* Commissioners, and it appeared, therefore, that the deliberate intention of those who framed the amended Bill, was to preserve to all the corporators, during their lives, the powers and advantages which they at present enjoyed. In Dublin, for instance, there was one Board alone, which dealt with an annual income of 12,000*l.*; he alluded to the pipe-water rates; all the trustees were corporators; and though the funds were, properly speaking, not corporate property, they had sole power of disposing of them in any way they thought proper. In Belfast, there was no corporation, but there were twenty-four Local Commissioners, of whom the sovereign and twelve-burgesses were the Commissioners for the disposal of 17,000*l.* of income, levied upon the inhabitants. The hon. and learned Gentleman further observed, that there was no material difference between the compensation clause, as sent up by the Lords, and that in the original Bill; in that case he must say, he was at a loss to imagine why so much ingenuity had been wasted upon it in the Lords, unless it were the opinion of the House of Lords that the Royal Commissioners would not have a single shilling to dispose of, for they confirmed all the existing officers in their situations, whose salaries would amount to the entire corporate property of the respective towns. In Limerick, for instance, with an income of 14,070*l.* per annum, there were a weigh-master and a butter-taster, the latter of whom did not find it agreeable to reside in Ireland, but who, nevertheless, received about 500*l.* a year, whilst the weigh-master took from 600*l.* to 700*l.* more. By the operation of this Bill, their powers would be preserved to all the local authorities and Boards, who would be permitted to intercept the funds on their way to the Royal Commissioners. The hon. and learned Member for Exeter said, that the administration of justice should be vested in the Crown; yet what did this Bill do? It preserved in their offices the existing clerks of the peace, and all other officers connected with the execution of the laws, in the corporate towns of Ireland. What did this amount to but to this—that the present Bill was not intended to confer any benefit upon Ireland, or to amend any of her institutions; and that whilst one mode of legislation was adopted for England, a totally different one should be directed against Ireland. The hon. and learned Member for Exeter asked what use had the Irish Corporations for town-councils? had they not their Commissioners under the 9th Geo. 4th to go back upon? How happened it that the hon. and learned Gentleman had not used the same arguments in respect to England last year, for England also possessed an Act of Parliament, exactly analogous to the 9th Geo. 4th.? The Acts and the principle were precisely the same in both cases; then why did not the hon. and learned Gentleman stand up in his place last year and say, that it was not necessary for England to have town-councils, because they had this Act already to make use of? But the hon. and learned Gentleman thought it quite enough for Ireland to have the 9th Geo. 4th, and he asked what necessity there was for any other enactment. He would take the case of Youghal as his answer. This Corporation possessed property which was well paid at 1,000*l.* a year; and this sum being just sufficient to divide amongst the mayor and other corporate officers of the place, the inhabitants, by virtue of the 9th Geo. 4th, had rated themselves to the amount of six hundred pounds a year for various local purposes. Now it was evident that the effect of a measure of Municipal Reform for Ireland would be, to relieve the inhabitants of Youghal from this tax of 600, by giving over the 1,000*l.* of corporate property to defray the local necessities of the town, out of which a surplus of 4,000*l.* would remain, which would be quite sufficient to defray all the salaries which would be called for under the new arrangement. It remained now to be seen, however, whether the House was prepared to legislate for Ireland, upon a different principle from that which was applied to England. They had reformed the Corporations of Liverpool, a town which was very near to the coast of Ireland, and they now proposed to take away the Corporation of Dublin. He would ask, whether they expected that the people of Ireland would be satisfied with such an arrangement. A respectable merchant in Ireland would not henceforth be eligible to the dignity of mayor, or of alderman, or other corporate offices; but let him come across to Liverpool, and he would immediately become eligible to the highest municipal offices, and this simply, because the people of Ireland had the misfortune to differ in religion from their neighbours on this side the water. It must come to that, it would come to nothing else than that, because the people of Ireland entertained a different religious persuasion from that of the people of England, the House of Lords declared, and perhaps the House of Commons might declare so also, that they should not enjoy the same liberty and the same local privileges. If that were the principle upon which this measure was to be treated, the sooner it was understood the better. For his own part he knew no principle so well calculated to shake the bonds of Union between the two countries; he would go further, and declare that no person placed in the degraded predicament which the Irish would be by that Bill, but ought to desire a separation of the two countries. "We," continued the hon. and learned Gentleman, "We, who were taunted with being aliens in blood and in religion, to the British people, should be also aliens to British feelings if we submitted to so insulting a proposition. I do not speak this in the language of threat. I have all my life considered, and I shall continue to consider, that the connexion between the two countries is essential to the prosperity and the stability of both, and I have heard, with feeling of surprise and indignation, the use of an expression which goes to show, that I and my fellow-countrymen are not only aliens in blood, in religion, and in feeling, to the people of England, but that we are desirous of shaking off the connexion which exists between the two countries." The hon. and learned Gentleman sat down, declaring that he considered the passing of this Bill upon popular principle, with provisions capable of insuring a sufficient popular control in the municipal affairs of Ireland, to be indispensably necessary to the good government of that country.

Mr. *Shaw* said, he hoped the House would not think it necessary he should follow the right hon. Gentleman (Mr. O'Loghlen) through the various matters of detail, and, as the right hon. Gentleman himself termed them, the trifling subjects to which he (Mr. O'Loghlen) had adverted; they were immaterial points, which could be easily adjusted, if once the supporters and opponents of the measure were agreed upon the important question of principle. He (Mr. Shaw), however, could not help observing, that in respect of the officers to which the right hon. Gentleman had alluded, the amended Bill did not make any alteration in their condition. They were offices which these parties held for life, and so the Bill left them. With regard to town-clerks and such officers, the right hon. Gentleman could not have read the 45th Clause of the Bill; for he stated that their offices were preserved to them for life, but that clause empowered the Commissioners to remove them on the 1st of January next. The right hon. Gentleman was wrong, too, with regard to 9th Geo. 4th. cap. 82, for it did not follow, but it preceded, the English Act on the same subject. The English Act, however, required three-fourths of the voters to concur in the taxation, whereas, the Irish Act gave the same power to a majority; and he (Mr. Shaw) thought to make the 9th Geo. 4th compulsory in the towns mentioned by the noble Lord, would be a change for the worse from the original enactment of the Bill, the present check of twenty-one 20*l.* householders having in the first instance to apply for the meeting of the 5*l.* householders would be removed. The present alteration would put it in the power of the lowest rate of householders to impose a rate of graduated taxation on the higher; besides, the reason the Act had already had so little operation was, the expense now incurred by adoping it. Why should that expense be inflicted upon them compulsorily? Such a change, he considered, would render the Bill in that respect much more than it was originally. That, however, was not the important consideration connected with the present measure, which should that night engage the attention of the House. That question, though changed in form, he contended was substantially the same which the House had twice already discussed; for it was, after all, the large and important towns that constituted the real object of those who forced on the present measure, and it was those large towns that would involve the whole mischief, against which its opponents desired to guard. The thirty-nine boroughs in schedule C were comparatively unimportant. Their whole population was little more than 200,000*l.*, their united property but 13,000*l.*, and there were thirteen of them which had no property whatever. These small places, in short, only rendered the measure ridiculous on the showing and principles of its own promoters. Throughout the discussions of the Bill in detail, when the Government were asked upon what principle any of these insignificant places were inserted, the answer was, that they might be struck out, if objected to, when we came to the schedules. The noble Lord, the Secretary for Ireland, conscious that these were only an incumbrance, seemed anxious to court objection to them, and, in fact, struck off many without suggesting any rule or reason, which were not equally applicable to others which he retained. In short, the Bill was utterly devoid of any intelligible principle of selection. It was neither property, population, subsisting charters, nor any combination of these; for as to property, thirteen of the boroughs contained in the schedules had none whatever. As to population, seventeen of the boroughs which had been inserted in Mr. Perrin's Bill of last year, with a population of 80,000, were omitted from the present Bill, and seventeen others were retained, whose united population only amounted to 58,000. Besides this, Newry, with a population of 13,000, and Dungarvan, with 10,000, had been expunged, while Bangor, Wicklow, and Belturbet, with populations of 2,000 each, had been retained. And if, as the noble Lord had contended that night, it was an insult to refuse corporate government to the cities and towns in Ireland, how could he reconcile that insult to the people of Newry and Dungarvan? Newry and Dungarvan were reported by the Commissioners to have on record charters of incorporation, and, at all events, the circumstances of having existing Corporations could not be alleged as the ground of selection, for the Bill altogether omitted ten boroughs, which would be found in page eight of the Corporation Report, enumerated under the head of "Effectively existing Corporations." And then, as if to evince the entire contempt of the framers of the Bill of any intelligible rule of selection, they first inserted Antrim and Ballyshannon, which had no Corporations, and in the end, they rejected Thomastown and Middleton, both of which had Corporations, and both of which had property, while thirteen boroughs were contained in the schedule which had no property. It was also a fact, that both the boroughs rejected, each had a population greater than some of the boroughs which were continued in the schedule. Laying aside, then, these comparatively insignificant places, and assuming that the real question at issue between the two sides of the House had reference to the larger cities and towns, the House came back to the point from which it had originally started, namely, whether it was more for the peace and tranquillity of Ireland—the general interests of the country at large—and above all, whether it was more likely that the cities and towns themselves should be well regulated and quietly governed, by simply putting an end to the corporate system that had so long prevailed in Ireland, or, by only transferring the functions of the Corporations, which had been little else than political, and their religious exclusiveness, which was the great evil they were charged with, from one of the rival and contending parties which unhappily, both in politics and religion, divided that country to the other.

Let the question between them be fairly stated, and it was this:—The opposite side of the House proposed the complete extinction of existing Corporations. To that the House of Lords assented. The original Bill maintained the existing rights of freemen—provided for charitable trusts—and vested in the Crown all that related to the administration of justice. In all this he (Mr. Shaw) and the friends with whom he acted agreed. But then came the great and essential difference—the Bill established Town-Councils and legalised Debating Societies, with all the accompaniments of constant elections, annual registrations, daily canvassings, the never-ending trials and displays of party strength, and the excitement consequent upon all these. Besides which, the Bill proposed to vest in these Town-Councils the Corporate property, which would be found scarcely sufficient to defray the cost of town-halls, mansion-houses, mayors, town-clerks, and their incidental expenses; whereas, by the amendments, it was proposed to appoint Commissioners, merely men of business, to attend to the paving, lighting, and other corporate duties of the locality, and to apply the funds to the public benefit of all the inhabitants, and the local improvements of the several cities and towns to which they belonged. He would take the Corporation of Dublin as an example; first, because he was best acquainted with it; and secondly, because no other corporate city or town bore comparison to it in respect of population, property, or general importance. Indeed, in these respects combined, Dublin might be considered as nearly equal to all the other Corporations put together. Take then Dublin alone—grant it a new Corporation, according to the plan of the present Bill—that would do all for the purposes of agitation, which the hon. gentleman opposite required, and would cause the whole mischief which he (Mr. Shaw) deprecated. He had been much misrepresented in the admissions which he had been said to make with respect to the Corporation of Dublin. He never had admitted that, as a body, it was either close, self-elected, or corrupt. The Commissioners did not, indeed, charge the Corporation with corruption. The representative body consisted of about 170 persons, more than double the number which the present Bill assigned to it. The constituency were about 4,000, and they had triennial elections, vote by ballot, and popular control; but he did admit that both in politics and religion they were an exclusive body. Seeing, then, the changes in the law and constitution for the last ten years, and desiring rationally to regard and deal with the existing condition and circumstances of the country, he did not desire that exclusiveness should continue, but above all things he protested against its transfer. The Corporation of Dublin (and it was a fair sample of the other important Corporations in Ireland) never had been created for—never had been suited to—and scarcely could have been said ever to have exercised strictly—corporate functions. It had its paving board, its ballast office, its wide-street Commissioners, and its whole system of police, (as other Corporations had their local boards), entirely independent of the Corporation; and upon that point the Commissioners observed in their Report on the City of Dublin, that "in fact, the present establishment of the paving board is adequate, with the addition of a few clerks, to regulate the affairs of all the local taxes, if consolidated under the same management." And a most remarkable feature in the present Bill was, that it betrayed the full consciousness, on the part of its framers, of its utter inadequacy in a corporate capacity, to perform the duty ostensibly assigned it; for in the case of the city of Dublin, the Bill expressly exempted all the existing boards from any interference by the new Corporation. What then was the object of the Bill, or at all events its inevitable tendency, but to inflame political discord, perpetuate religious animosity, and permanently to establish what so many Acts had passed that House to suppress—a Roman Catholic association in the city of Dublin. Witness the proceedings in Dublin on this subject. He (Mr. Shaw) had before quoted the resolutions of a meeting called by the hon. and learned Member for Kilkenny, for the avowed purpose of securing the independence of the city; but the means stated in the resolutions to effect that purpose, were the securing to the members of the club every situation of emolument and influence in the Corporation. And here it was most important to observe, that so far from there being any genuine feeling in favour of these new corporate bodies in the minds of the respectable part of the Irish public, many influential Roman Catholics and eminent commercial men, opposed to him in politics, had stated to him and to others, that their opinion was favourable to the complete and entire abolition of Corporations in Ireland. He would not state any name in public, but he would be happy to mention their names to any Member on either side of the House, who would afford him the opportunity in private. Under all these circumstances, and in the absence of every other argument, was the House to yield to the unmeaning cry—the hacknied twaddle of "Justice to Ireland."

> "No crime so bold but would be understood
> A real, or at least a seeming good."

Was there in the catalogue of crime one that it had not been attempted to perpetrate or justify under the desecrated names of justice and liberty? Let the phrase of "justice to Ireland" be well defined and properly understood, and all would be ready to agree to it. But as well might they confound a real and well-regulated liberty with a licence to every evil disposition and bad passion to riot uncontrolled and with impunity; as well might they mistake eternal truth for that name which every sectary gave to his own opinions; as well might they take their notions of an exalted patriotism from a late graphic description of an Irish patriot exacting his tribute, as be content to take the definition of justice from those whose every word and action contradicted its precepts. They might, perchance, discover the meaning of the phrase by its application to other subjects from the same quarter. The House might learn then from that authority, that justice could not be effected as to Parliaments without their being annual, as to suffrage without its being universal, and as to voting without the ballot. Then take the question of the Irish Church. Justice to it meant its subversion. [Mr. *O'Connell:* No, no.] What! did the hon. and learned Gentleman forget the short and pithy sentence that he had pronounced in that respect —*delenda est Carthago?* As to the laws, what was the hon. Member's sense of justice? His sense of justice was, that if they were not liked, they ought to be resisted. [Mr. *O'Connell:* No, no.] The hon. and learned Gentleman said "No." Perhaps he meant actively, for that would incur danger, and required courage—but passively; still, actively or passively, they, nevertheless, were to be resisted. Then as to the House of Lords, "down with them" was his cry of justice. As to hereditary succession, it was mocked at as the hon. and learned Member mocked at an hereditary tailor. What was his justice as regarded the Union between the two countries? To repeal it. As to the empire? To dismember it. As to the Whigs? When one day they opposed the hon. and learned Gentleman, they were "base, bloody, and brutal,"—and the next, they were "noble, generous, and high-minded," because they submitted to his dictation. And was it consistent with these same notions of truth and justice for the hon. and learned Member to go, as he had done within the last few days from house to house, and from meeting to meeting, describing the highest and the most distinguished men in the country as miscreants and liars, and in language that would disgrace a frequenter of Billingsgate, to heap upon them every abusive epithet? Was it from such lips as these that the Ministers of this country and a British House of Commons were to learn the lessons of justice? He, too, would implore for his country justice. [Mr. *O'Connell:* Hear.] Yes, notwithstanding the sneer of the hon. and learned Gentleman, he would earnestly implore that justice to Ireland which would render to every man his due. Equal laws impartially administered—a settled and firm Government—safety for life—security for property—such as would preserve as well the wealth of the rich, ay, and the labour, and the fruits of the labour, of the poor, from the grasp of brutal outrage on one hand, and the grasp of selfish avarice on the other. The Protestants of Ireland desired no preference. This Bill established no sectarian distinction—it gave all equality [*Hear, hear.*] But he would intreat the House not to do the great wrong of adding the fuel of such a measure as the present to the flame of political, religious, national and social discord, which had so long wasted that unhappy country, and now threatened to consume there the vitals of civilization. [*Hear, hear.*] He would say in conclusion, with regard to that and every other question which had reference to Ireland, and he trusted that in its true sense and sound and sacred spirit the sentiment would animate every branch of the Legislature, and be echoed throughout the country—"fiat justitia, ruat cœlum."

Mr. *Callaghan* said, that since this subject had come under discusssion, he had not the good fortune to be enabled to address the House upon it further than making a few observations sufficient to explain the petitions which he had presented with respect to it. He had listened with much attention to the speech of the right hon. and learned Gentleman who had just sat down, if for no other reason, because he had frequently heard the hon. and learned Gentleman make speeches to that House on the subject of Ireland, to the truth of the assertions and statements contained in which he was unfortunately never able to subscribe. But he was certainly somewhat surprised that the right hon. and learned Gentleman should have indulged, on that occasion, in the repetition of much that he had heard from him on former nights; and should have entered into the discussion of particulars and details respecting this measure, from which he might have well spared the House. The remainder of the right hon. and learned Gentleman's speech consisted of trite observations selected from some of the prints of the day; and amongst these was the assertion, which had been so often reiterated, that his Majesty's Government was forced to adopt this measure. Now he would not hesitate to state his conviction in their presence, that his Majesty's Government were not forced by anybody to adopt their present course. He should be sorry to give them his support, if he were not persuaded that they were actuated by no other feeling with respect to this measure, than a sincere desire of doing justice to his country; and so long as they continued to act in the same manner and spirit towards his country, they should have his warm support. The hon. and learned Gentleman had made a speech, garnished from the newspapers and caricatures of the day; but he rose to represent to the House the fact that he was there the representative of a large constituency that had long panted for a reform in Irish corporations, and were now anxiously expecting a participation in municipal privileges. They had waited paitently for several years in the hope that that object would be accomplished. They had petitioned in the year 1831, praying for an extension of that corporate reform which was intended, and they patiently waited for the application of the principle of the measures which Scotland and England had obtained to similar bodies in Ireland. But he must say—and he had lately an opportunity of learning their sentiments—that their indignation could not be restrained if their just expectations were disappointed, and that they did not at length get that measure of justice to which they were unquestionably entitled. He had heard amongst his constituents great disgust and surprise expressed at the assertions which had been made in another House that the people of Ireland were subject to the complete control of priests and demagogues in the large towns. He could state, without fear of contradiction, that there was no foundation for any such assertion. He had the honour to represent a town, the constituency of which were as honest and independent as the electors of any city in England or Scotland. He knew they would not brook the insult which was intended to be offered them in another quarter, and they felt equal indignation and surprise at hearing those who undertook, as they said, the duty of legislating for them make accusations against them, and attribute motives to them which they were conscious had no foundation in fact. On a late occasion he had presided at a meeting, consisting of several thousands of his fellow-citizens, and at that meeting there was not a single Roman Catholic priest. Not that he saw any reason why a priest should not attend such meetings because he thought a man did not forfeit his rights of citizenship by becoming a priest, But it was a fact to which he could bear testimony, that the Roman Catholic priests did not attend political meetings in the city which he represented. They have quite enough to do to attend to their religious pursuits and to supply the spiritual wants of the people. The amendments which had been made in the Bill by the House of Lords would have the effect of continuing in the hands of those who now controlled it, that management of local taxes which they had so long abused. His hon. and learned Friend's (Mr. O'Loghlen) measure, as it was originally framed, left much to be remedied in the local institutions of the city of Cork. It was only necessary for him to state that funds to the amount of 30,000*l.* a year were raised by local acts, and these were allowed still to remain in the hands of the old corporations, according to the Bill of his right hon. Friend the vacancies being filled up by election from the citizens as they were created. It would, no doubt, have been necessary to introduce some further legislative measure to meet this evil. But the inhabitants relied with confidence on the intentions of the present Government, as displayed in the measures which they introduced. But in the name of his constituents, he protested against the amendments which had been inserted by the other House of Parliament, as he believed them calculated to perpetuate those abuses which had been the subject of such strong and just complaint.

Mr. *Dillon Browne* rose under considerable excitement, and was happy that he gave way to the hon. Member for Cork. He felt much surprised at what had fallen from the hon. Member for the University of Dublin. The great vehemence and extraordinary action of the right hon. Gentleman, he would call the histrionic speech. He had addressed the House in a manner better suited to the boards of a county than of a British senate. He was not surprised that there was much agitation and discontent in Ireland when a person holding a high judicial office in that country asked what was meant by justice to Ireland. Was it possible a judge of the land could be ignorant of the definition of the term—or was it possible that he (Mr. Browne) heard the hon. Gentleman exclaiming against the principle of a people demanding their just and legitimate rights, whilst he stated at the same time that they had no better argument to support their claim than the hacknied cry of justice? He asked the right hon. Gentleman on what purer principle of civil liberty could a people rest their claims than the great principle of equal and impartial justice? The right hon. Gentleman had indulged in one of his annual tirades against the hon. Member for Kilkenny. There were some persons who found it necessary to do so for sinister purposes. It was the tenure by which they held their seats in that House, and they did so to gratify the base and malignant feelings of the base and corrupt Corporation of Dublin. An hon. and gallant Gentleman, the Member for Donegal, had felt indignant at the term Protestant agitation. He asked the gallant Member if he had ever heard of the lay association? Was it not to agitation that the hon. and learned Gentleman (the Member for the University) owed his seat, and was it not by that system that the hon. Members for Dublin were placed in that House?—was it not agitation which produced the decision of the other House of Parliament?—to that secret agitation by which the Opposition hopes to dissolve the present Ministry, for he was confident that they only sought to make Ireland and her Corporations a means of getting into place. The Bill, which was sent to the House of Lords, was calculated to afford peace and happiness to a long-distracted and long-misgoverned people. The amendments which had been sent down by that House were an insult to his country. The Irish never could, they never would receive it. The question was were the whole people or were they not, to be governed by the same laws?—were the Irish, or were they not, to have the same institutions as the people of England and Scotland? The people of Ireland demanded equal laws—they would not be satisfied with less. If the Irish were refused this full measure of justice they would then say,—"Give us back our own Parliament." The motion of the noble Lord had his hearty concurrence.

Mr. *Finch* said, that he was most anxious to approach the consideration of the question wholly divested of party and political feeling. While he disclaimed, therefore, all desire to treat the subject as a question of party, he could not, on the other hand, but view it as one in which the interests and welfare of Ireland were nearly concerned; and the strong wish which he felt for the tranquillity and welfare of that country would overpower any other motive in bringing his mind to the consideration of the important measure now under discussion. He confessed that, viewing the Government Bill in every possible way, and wishing to put upon it as favourable a construction as he could, he was nevertheless forced to the conclusion, that it was not calculated, either in its spirit or substance, to effect the welfare of Ireland. Since the period at which that country was admitted to a participation in the blessings of the British Constitution, she had been cursed by a system of agitation, which unfortunately existed there even up to the present hour, and he was perfectly convinced that the Bill proposed by his Majesty's Government would, under the plea of introducing corporate reform, produce ten-fold the evils it professed to remedy, and give a new impulse to agitation, discord, and outrage. He thought that it was the duty of the British

Legislature to pause before they consented to abolish one monopoly by the substitution of another far more objectionable than that which now existed. The avowed object of the promoters of the Government Bill was to place corporate power in the hands of the Roman Catholics of Ireland. Now, nothing was more natural than that the Catholics should wish to possess power; but it was the duty of the House to consider how far that power was likely to be usefully directed, and whether it would be exerted, not for the interests of one sect or party, but for the general good of all. In his opinion, the British Legislature would be deficient in duty if they sanctioned any measure that would remove power from the hands of one party in order to place it in those of another. Yet such was the principle for which his Majesty's Government contended. If upon mature and deliberate consideration the House of Lords had been induced to come to that conclusion, had they not a full right, as an independent branch of the Legislature, to act upon the view which they had taken? He was sure, whatever might have been said to the contrary, and however strongly hon. Members opposite might feel upon the subject, their own calm good sense must tell them that the House of Lords had an equal right to exercise their judgment as the House of Commons had to decide upon any measure brought before them. It could not be denied that certain parties who supported the Government in this measure had ulterior objects in view. The House had been told by a Gentleman who belonged to that party, that nothing but the total extinction of tithes would satisfy the people of Ireland. Thus had one concession led to the demand for others, and he was quite satisfied that the effect of the present Bill would be to establish Catholic supremacy in Ireland. The cry of justice would never be silenced but by the granting of new concessions; but the Protestants of Ireland were not to be intimidated by agitation, and he was equally sure that the people of England would see that reason and justice were on the side of those who objected to the principle upon which the Government Bill was founded, and that those who conscientiously opposed it had no desire not to do justice to Ireland. Let any man look to the situation of Ireland for the last thirty years, and consider the system which had been pursued there of intimidation, violence, and open violation of the law; let them but consider the way in which Church property was dealt with notwithstanding all the efforts of the Government to prostrate the rights of the clergy; let them but weigh the fearful consequences which must necessarily result if the present Bill were passed, when the flood-gates of agitation would be opened, and tumult and bloodshed would follow. He contended, that the passing of the Government Bill would enable that party who wished to sever the connexion between the two countries to put their design into execution. No Government could then hope to administer justice in Ireland, for the laws would be openly defied, and nothing but the dreadful alternative of civil war could restore tranquillity.

Debate adjourned.

HOUSE OF LORDS,

Friday, June 10, 1836.

MINUTES.] BILLS read a Second Time; Instrument of Sasine (Scotland.) Bastards' Wills. (Scotland.)

Petitions presented. By the Earl of KINNOUL, from Perth, against the Bankrupts Estate (Scotland) Bill.—By the Marquess of LANDSDOWNE, from Portsmouth, against the Punishment of Death, except in Cases of Murder.

PROTESTANT CHURCH.] The Duke of *Newcastle* said, he rose, in pursuance of notice, to present a Petition which had emanated from the Protestant Association, at a meeting held, on the 11th of May, in Exeter-hall. He regretted that this duty had not devolved on some more able individual; but, as the petition had been placed in his hands, he felt that he should be guilty of a dereliction of a sacred duty if he did not present it. When he said that this petition came from the Protestant Association, their Lordships would naturally inquire, what the title "A Protestant Association" could mean? In this Protestant country it did not at all surprise him that many individuals, professing the Protestant faith, should feel alarm for the security of their Church, when they marked the extraordinary measures which had been recently introduced into Parliament. He confessed, that he participated in their alarm; and the consequence of the apprehension which they entertained was, that they found it necessary to embody themselves for the protection of their religion against any attacks that might be directed against it openly or covertly. He could not conceal from himself the danger which menaced the Protestant Church, when he saw Roman Catholics (who were sworn not to injure it) and Dissenters joining together to assail it, He, however, should, to the last moment, and every conscientious Protestant would pursue the same course, resist the degradation or spoliation of that venerable Church to which this country, under Providence, was so much indebted. He should make no further observations, but move "that the petition be read at length."

The petition was read at length.

Lord *Stourton* disclaimed the object imputed by the noble Duke to the Roman Catholics when the noble Duke said, that they were united with the Dissenters, or with any other body of men, for the purpose of putting down the establishments of the country in Church and State. He would assure the noble Duke that he had no such intentions: on the contrary, he felt bound, under certain limitations and qualifications, to uphold those establishments. As to the allegations of the petition which the noble Duke had partially adopted as truths, he protested in the strongest manner, against charges at once so heinous and so disgraceful in their nature. He had never troubled their Lordships with controversial remarks and polemical discussions; but he could not sit silent and hear "perjury," and "idolatry," and "superstition," and the "tyranny" of the Roman Catholic priesthood of Ireland so broadly imputed, without defending himself and the body to which he belonged against such cruel and unjust accusations. As to the charge of infringing his oath, because he supported the Bill of last year on the Irish Tithe Question, in concert and in concurrence with the Ministers of the Crown, he was ready at any time—weak, and feeble, and unpractised in debate as he was—to meet, upon that point, whatever array of talent or ability might be embodied against him. He saw on the opposite side of the House, the most consummate ability, the most splendid attainments, the utmost experience, and the highest powers of debate arrayed against him; yet, relying solely upon the justice of his cause, he was willing, at any hour, to meet that formidable array! But was it possible that charges and allegations were to be brought against a Member of their Lordships' House, which would be felt to involve disgrace by the lowest criminal in the lowest courts of law, or was he to defend himself in this House against allegations that would stain with even deeper pollution the most polluted characters of the kingdom? Might he not, with all deference to their Lordships, be allowed to ask if that were the way to sustain the dignity and character of the House of Lords, assailed from without? He was a Roman Catholic; but he hoped, as he had now a seat in their Lordships' House, he was not there to soil and tarnish by his presence or his conduct, their Lordships' bright escutcheons! He was not ashamed of that religion which he professed, and which at one time, and for several ages, was professed by all their Lordships' ancestry. Nay, more he would ask—and he would put it to their own bosoms to answer—were any of their Lordships more ashamed of their robes, for having been worn by the barons, who, at one time, with a Roman Catholic Archbishop of Canterbury, and at another time, with a Roman Catholic Bishop of Winchester, placing their mitres in front of the battle, extorted from a John the Magna Charta, and the *Confirmatio Chartarum* from an Edward, and who placed the liberties of Englishmen on a basis, which, under all the shocks of time, had supported them down to the present hour? Enough on this topic. But he would say one word upon the tyranny—the alleged tyrannical domination of the Irish priesthood. He was the more disposed to do so, because they were called upon to legislate, and in reality to amerce Ireland in the privation of all her municipal rights and privileges, on the express ground of the influence of the Roman Catholic clergy in that country. That was the ground taken by the noble Baron (from the evidence on the Intimidation Committee) in his scheme for demolishing at one fell stroke all the Municipal Corporations in Ireland. He might, therefore, be permitted to examine a little this important subject. If tyranny it were, it was at least a tyranny of a novel kind:—a tyranny in defence of the new Magna Charta, namely, the Act of 1829—a tyranny in defence of those Parliamentary and Municipal Reforms, which had conferred a new *Confirmatio Chartarum* on England and on Scotland! He challenged the noble Baron to state that single vote—nay, to select that single speech—he might, he believed, add that single word—which, during a seven years' apprenticeship, had been recorded or uttered by any Member of Parliament, on whose return any priestly influence in Ireland could have exercised the slightest effect,—that had not been uniformly uttered in favour and on the side of liberty! If Ireland were amerced, the fine that took away her municipal rights would be levied, not on account of any tyranny, but on account of the ardour and honesty of her struggle by the side and in behalf of Irish and British freemen. Had this priesthood exerted their influence, whatever it might have been, in opposition to the liberties of their own country or of England, Ireland might have retained all her corporate rights. That might be tyranny, if noble Lords chose so to name it; but it was a tyranny bearing all the fruits of liberty, if it were a tyranny, it was in sympathy with all the feelings and affections of those flocks on whom it was supposed to be exercised; and without a single exception on the side of the liberties of Great Britain. But had this priesthood no other motives that might fairly palliate or legalize their occasional interference—(though on some occasions it was carried even to an improper extent,)—in their intense anxiety to send Members to Parliament who might devote their acquirements and services towards bettering the fate of their unfortunate people? The condition of the Irish was the best defence of their pastors. Let the right rev. Bench place themselves for a moment in the same situation; with their people so suffering and so enduring (a case, thank Heaven, almost impossible), would they utter no bitter expressions, or exert no influence at elections, if they conceived good to their afflicted parishes might arise out of such exertions. He could not, in justice, to the right rev. Prelates, believe it. Let anybody view the condition of the labouring people of Ireland, as exhibited in *Inglis's Report*, or more diffused in the evidence of the Poor Law Commissioners. What a terrific picture was there presented —a picture unparalleled, for its deformities, on the face of the earth. In too many instances, the Irish people seemed to unite all the restraints of the social system, without its protection; all the casualties of savage life without its unappropriated lands and wildernesses. And might not any priesthood, witnessing scenes like those of Ireland, be forgiven if they entered occasionally with too heated feelings into electioneering contests in support of those from whose constitutional exertions they might hope for some alleviation to the sufferings of their afflicted flocks, a large proportion of whom, Mr. Inglis said, lived on the verge of starvation? In this country the case of the Roman Catholics was wholly different; and since the Relief Bill had passed, they sat down contented with their lot, excepting two Members of Parliament (and those both Howards,) they had no Roman Catholic Members in the Commons' House of Parliament representing their particular interests; for they felt that these interests, were safely confided to the Protestants. Again, it might perhaps be thought on great constitutional questions, and in those more especially involving the interests of churchmen, that they were the best guardians of their own interests; but he contended that even for the purposes of the Church itself, the parties most interested might not be the most judicious judges. Was not the fall of the close borough system a case in point? Here also there was an appropriation principle. Birmingham and Sheffield were to have no representatives in Parliament, lest the principle which had consecrated Gatton and Old Sarum should be violated and sacrificed; whereas, had the borough proprietors made timely sacrifices, up to this hour, they might have retained considerable sway, and the Duke of Wellington have been still the popular Minister of this country. It had been often repeated, and perhaps still oftener thought, that the Irish Catholics obtained every thing they ought to have craved, when the Relief Bill of 1829 was passed, and the Statute-Book was no longer a persecutor. But no greater error could well exist, than that persecution in its effects ceased at once with its most prominent cause. As well might it be expected after a storm had been raging in the Bay of Biscay, and the waves running mountains high, that the agitation of the waters was at once to subside, and the vessel cease to roll, because the wind had stilled. He had only, in conclusion, to return his grateful thanks to their Lordships for the courtesy they had shown him.

The Earl of *Shrewsbury* could not allow the discussion to pass without offering a few observations. This was one of the many occasions when opportunity had been taken to villify and traduce the Roman Catholics. He could not help feeling deeply, and censuring warmly the expressions that were contained in the petition, when describing the Roman Catholic religion. If they looked at home, they would find that one-third of the population of the United Kingdom consisted of Roman Catholics; and if they looked abroad, they would find that 100,000,000 of their allies were Roman Catholics, inhabiting the fairest, and in some respects the happiest—for it was free from religious strife and dissension—the happiest portion of Europe. It was surely to be greatly lamented, if noble Lords could not enter that House without hearing the religion they professed maligned and slandered. That was the principal reason why he so much abstained from attending their Lordships' House. It was high time that such a system should be discountenanced and that their Lordships should learn to conduct themselves within the rules of Christian charity, which taught them "to do unto others as they would wish others to do unto them."

The Earl of *Winchilsea* differed in opinion from the two noble Lords opposite with respect to one point, for he believed that certain members of the Roman Catholic Church did use their political power for the purpose of subverting the Protestant Establishment, particularly in Ireland, and that they never would rest satisfied until that establishment, which had laid the foundation of the happiness and prosperity of the British empire, was destroyed. In making that statement, he felt bound to say, that he fully appreciated the honourable conduct pursued by the two noble Lords opposite with regard to the oath they both took on entering Parliament.

The Earl of *Wicklow* said, that if the petition contained a single allegation against the honourable conduct of the noble Lord opposite, and of other persons of his religion, connected with this country, and sitting in the other House of Parliament, he must state that he did not participate in the sentiments of the petitioners in that respect. Still, if the noble Lord, and those other hon. gentlemen to whom he had alluded, wished to stand well with the country, they must take means to disconnect themselves from that party which professes to be the representatives of the Roman Catholics of Ireland, and to prove that they did not share the feeling which avowedly influenced the party to which he had just referred.

The Bishop of *Exeter* had heard with pleasure the noble Baron (Stourton) disclaim any participation in the view taken of the Parliamentary oath by those Roman Catholics whose aim was the overturning or the weakening of the Protestant establishment of this country. The noble Lord said, that he had given his proxy to the Ministers; and most honourably and wisely might he, by anticipation, do so, knowing that those Ministers were sworn to defend the interests of the Protestant Church. Of this, however, he was sure, that if the noble Baron had been present and had heard the discussion on the subject, the minority would not have had the benefit of the noble Baron's vote; and why did he especially state this? Because, to his utter astonishment and grief, the Minister at the head of his Majesty's Government had on that occasion allowed that the measure which he supported would be a grave and serious discouragement to the Protestant religion in Ireland.

Viscount *Melbourne* observed, that this kind of partial quoting from former debates was exceedingly unfair, as it led to partial and incomplete views of a subject. The right rev. Prelate had just quoted a sentence in a speech of his (Lord Melbourne), made in the last Session, but without the context, which was to the effect that the measure under consideration at that time was of such great and paramount importance, that, although the inconvenience of it would in some respects be felt, yet it ought to be adopted. The right rev. Prelate had, however, with great unfairness, repeated the sentence which adverted to the inconvenience, without adverting to the accompanying reasons why it was expedient that that inconvenience should be borne. Was it not manifest that many legislative propositions might comprehend one undesirable effect, and yet, that pressing circumstances might render their adoption upon the whole expedient? Why, the Irish Church Temporalities Bill was, by the diminution of the number of Bishops, and other provisions, to a certain degree discouraging to the Protestant party in Ireland, and, to the same degree, a triumph to the Roman Catholic party in that country. That was an inconvenience. But their Lordships thought that there were greater, more important, and overbalancing considerations, which rendered it expedient and necessary that that measure should be passed into a law. In fact, in almost all great national questions, it became necessary to consider on which side was the balance of inconvenience and evil.

The Earl of *Shrewsbury*, with reference to the Bill to which allusion had been made by the right rev. Prelate, expressed his conviction that the only object which the promoters of that Bill had had in view was to carry into effect the resolution of Parliament years before, that tithes should be extinguished in Ireland.

Petition to lie on the table.

Corporations (Ireland) Misrepresentation.] Lord *Lyndhurst* presented a petition from Rochdale, in favour of the Irish Municipal Corporation Reform Bill, as amended by the House of Lords. Their Lordships would, perhaps, allow him to take the opportunity of saying a few words on a subject personal to himself. There were two descriptions of misrepresentation. The one was of the words used by a speaker; the other of the sense in which they were used, and of their application to his argument. The latter species of misrepresentation was more artful and more mischievous than the former, because it was not so easily detected and exposed. Such misrepresentation, whether of the one kind or of the other—whether it proceeded from a demagogue on the hustings, a hired mercenary, who had not inaptly described himself as speaking daggers, but using none, and as one whose weapons were words, or from a Minister of State, in his place in the Senate, could not but be considered by every fair and honourable mind, he would not say contemptible, but in the highest degree reprehensible and unwarrantable. The time would, however, soon arive, when, having heard all the charges which could be brought against him, he should have an opportunity of answering them, of exposing their author, and of proving their utter futility, whether they had reference to what he might have said at the bar of the House, or what he might have said standing in his place among their Lordships.

Viscount *Melbourne* hoped the noble and learned Lord would be able to defend or explain the expressions to which he had alluded. Considering all the circumstances of the case—considering the great station which the noble and learned Lord had occupied in the State—considering his high abilities, and his eminent qualifications, he never experienced more surprise, or sorrow, or deeper feelings of regret, with reference both to the interests of their Lordships and to the interests of the country, than at the speech which he conceived he had heard from the noble and learned Lord on the occasion in question.

Lord *Lyndhurst* replied, that to those noble Lords who had heard him on that occasion, he was quite sure that no explanation whatever was necessary. The noble Viscount must have suspended his attention to what had fallen from him (Lord Lyndhurst) on that occasion, or he would not have said, that it required defence or explanation. The present was not the proper time or opportunity for such an explanation; and he would, therefore, satisfy himself for the present with appealing to the recollection of those of their Lordships who had done him the honour of attending to his words.

Bishopric of Durham.] On the Order of the Day for receiving the Report on the Bishopric of Durham Bill with Amendments,

The Marquess of *Lansdowne* observed, that his original impression was, that the Courts of Pleas and Chancery in the Bishopric of Durham, ought to be abolished; but that further inquiry was previously necessary. With a view of facilitating that inquiry, and at the same time of preventing any delay in the abolition of those Courts, should it be deemed expedient to abolish them, he should propose to their Lordships to adopt the suggestion which had been made by a noble and learned Lord, and to transfer the jurisdiction of the county palatine of Durham from the Bishop to the Crown. That would enable the Crown, after the inquiry was terminated, to deal with the Courts in question as circumstances might warrant. He begged, therefore, to be understood, that though he proposed to strike out of the Bill the clauses which abolished the Court of Pleas and the Court of Chancery (there was no doubt that the County Courts ought to be abolished), he did not by that proposition mean it to be inferred, that it was essential to continue the existence of those Courts further than the inquiry might prove to be expedient.

The Marquess of *Londonderry* was glad that his Majesty's Government had at length condescended to look into the Bill. They now perceived that what he had stated on the subject was well founded. The last clause of the Bill it seemed, however, was to be retained. To that clause he entertained so strong an objection, that it was his intention to move that it be expunged. Its adoption would open a door to what was called Ecclesiastical Reform, which their Lordships would find it difficult again to shut.

The *Lord Chancellor* observed, that the last clause of the Bill had already been fully discussed and satisfactorily explained. There was now a large property belonging to the see of Durham. But certain portions of that revenue were to be taken away for the purpose of being applied to other ecclesiastical purposes. There was now no

Bishop of Durham. It would be inconvenient, however, to allow the see to remain vacant. But if a Bishop of Durham were to be appointed, without the adoption of the last clause in the Bill, it would be an extraordinary thing first to invest the Bishop with all the revenue of the see, and then to take away a portion of it. The sole object of the clause to which the noble Marquess objected, was to declare that although the Bishop to be appointed to the see of Durham was to have all the revenues of the see, yet that that arrangement should be subject to any alteration that Parliament might subsequently think proper to adopt. With respect to the Courts of Pleas and Chancery sufficient information had not been obtained. When that information was furnished, they would be dealt with as circumstances should direct.

Lord *Abinger* concurred generally in the proposition of the noble President of the Council. He (Lord Abinger) had drawn up a short clause to effect that which it was proposed to effect by a long clause, that had been introduced into the Bill. But he wished to guard himself against being responsible for the latter.

Lord *Ellenborough* wished to know whether the Act for the regulation of the revenues of the see of Durham was to have a retrospective effect; or, in other words, whether it was to have date from the time of its passing, or from the day of the appointment of the new Bishop. In his opinion it would be better, for the sake of uniformity, that the diminution of the revenues should commence from the passing of the Act.

The Marquess of *Londonderry* repeated the objections he had on the former debates urged against the last clause, and contended, that the observations of the right reverend Prelate, the Archbishop of Canterbury, wherein he proclaimed himself the advocate of vested rights, supported the view he took of that clause.

The Archbishop of *Canterbury* altogether differed from the noble Marquess in the conclusion he drew from his observations on a former debate. It was because he was the advocate of vested rights that he approved of the last clause of the Bill. That clause intimated a determination on the part of Parliament, not to allow a vested right to accrue, which—should they however resolve upon carrying into effect the recommendations of the Ecclesiastical Commissioners—they would have to meddle with, and therefore it had his entire sanction. With respect to the date from whence the diminution should take effect, it was his opinion, that it should be the day of the demise of the late Bishop. That, however, was a point for further consideration.

Lord *Denman* regretted, that the Bill was not likely to pass in the shape in which it had reached that House, as he thought that it was most desirable that the administration of Durham should be assimilated in Durham as in every other county of England. In deference, however, to the wishes of his Majesty's Government, and, as he understood it, of the House generally, he was prepared to admit, that it would be improper to proceed to the destruction of any existing Court of justice, without the ordeal of a previous inquiry. He hoped however, that that inquiry would not meet with any delay, so that a settlement of the Question might take place in the present Session. Much had been said of the local advantages derived by the county of Durham from the holding of palatinate Courts, but as far as his means of information went, those advantages were imaginary. Their Lordships, perhaps, were not aware that those Courts held their sittings for the most part in London. It was only on Friday evening last that the Palatinate Court of King's Bench of Durham (of which he chanced to be Chief Justice) sat in his chamber at Sergeants'-Inn. It therefore appeared to him to be a very odd kind of local advantage that was derived by the inhabitants of the county of Durham. Of the Durham Court of Chancery he knew little; but he required nothing more than what had been stated in that House to arrive at the conclusion that, practically, that Court could be of very little use to the inhabitants of Durham. It had been stated, that the most eminent members of the Chancery bar presided over that Court. If so, it was obvious that its business must be principally transacted in the law chambers in London, and that, for all good purposes, it might as well be disposed of at Westminster. He regretted much that the present opportunity of assimilating the administration of justice in the county of Durham to that in force throughout the kingdom, had not been more unanimously agreed upon; but he confidently hoped nothing but the result of a solemn and deliberate inquiry would induce Parliament to reject the proposition originally contained in the Bill to adopt a general uniformity of process.

The Marquess of *Lansdowne* said, that in compliance with the suggestions which had been made to him, he had no objection to omit in the present Bill the clause respecting Coroners, on condition that, if further inquiry proved favourable to its adoption, it might be inserted in the Appropriation of the See of Durham Revenues' Bill.

Report agreed to with amendments.

HOUSE OF COMMONS,

Friday, June 10, 1836.

MINUTES.] Petitions presented. By several HON. MEMBERS, from various Places, for the House to Adhere to the Provisions of the Municipal Corporations' (Ireland) Bill, as originally passed by them.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).—By Mr. JOHN FIELDEN and Mr. HANDLEY, from various Places, against the Factories' Act Amendment Bill.—By several HON. MEMBERS, from various Places, against the Turnpike Trusts' Consolidation Bill.—By Mr. PLUMPTRE, from Canterbury, against the Tithes' Commutation Bill.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).

MR. GORE JONES—THE DERRY MAGISTRATES.] Viscount *Morpeth*, in rising to present a Petition from the Derry Magistrates, had to apologize to the gentlemen by whom it was signed, as well as to the hon. Baronet opposite (Sir R. Bateson), for the delay which had occurred in its presentation. The petition had been by some accident mislaid in the office, and he regretted exceedingly that such a circumstance should have occurred. The petition was as follows:—

"To the right honourable and honourable the Knights, Citizens, and Burgesses in Parliament assembled,

"The humble Petition of the undersigned Magistrates of the Barony of Loughinshollen in the County of Londonderry, Ireland,

"Most humbly Showeth, That in the evidence given before a Committee of your honourable House on the subject of Orange Lodges in Ireland by Mr. John Gore Jones, a stipendiary magistrate, lately stationed in this neighbourhood, who had asserted as matters of fact that your petitioners are partial magistrates—that they are partisans—that the country has no confidence in them, and that they are Orangemen.

"That when your petitioners heard of this evidence having been given before your Honourable House, they met together, by requisition from the Lieutenant of their County, for the purpose of considering what they should do; and as it appeared that Mr. Jones was protected by the privilege of Parliament from an action at law, for any evidence given before a Committee of your honourable House, your petitioners had no course left for them to pursue, but to contradict, in the fullest and most decided manner, the statements contained in such evidence, so far as regarded them, which they did.

"That your petitioners applied through the Lieutenant of the county, to his excellency the Lord-Lieutenant, to cause an investigation to be made into the statements contained in Mr. Jones's evidence, which his Excellency declined granting, on the grounds that Mr. Jones had intimated his intention of proceeding by action against your petitioners, for an alleged libel contained in their resolutions.

"That your petitioners again memorialed his Excellency, stating the peculiar hardship of their case; that Mr. Jones was protected by the privilege of Parliament, from any legal proceedings on the part of your petitioners, and your petitioners humbly prayed of his Excellency to take their case into further consideration.

"That in consequence of this, his Excellency removed Mr. Jones from this district, and recommended your petitioners to have their case submitted to your honourable House.

"Relying on the justice of your honourable House, your petitioners humbly pray, that your honourable House will be pleased to order a copy of the correspondence between his Excellency the Lord Lieutenant and your petitioners, together with the evidence of Mr. John Gore Jones, before the Committee on Orange Lodges, to be laid before you, from which your petitioners hope your honourable House will see sufficient grounds to direct a competent person to be sent to this district, to inquire into the truth of the allegations made against your petitioners, by Mr. Jones, in his evidence before said Committee, and also into the conduct of Mr. Jones, whilst stationed in this district as a stipendiary magistrate.

And your petitioners will pray. (Signed)

Willim Lenox Cunningham, J.P., D.L.; Rowley Miller, J.P.; John Waddy, J.P.; H. J. Heyland, J.P.; H. B. Hunter, J.P.; John R. Miller, J.P.; A. Spotswood, J.P.; William Graves, J.P.; George William Blathwayte, J.P.; John Hill, J.P.; John Stevenson, J.P.; James Clarke, J.P."

He felt bound to say, that Mr. Gore Jones had, in many instances, proved himself a good and efficient public officer, but in justice to the magistrates alluded to in the evidence given by Mr. Jones, he must say, that the censure contained in that evidence was of a very unmeasured and indiscriminate character, and was not deserved by these gentlemen. The Government did not make any complaint against these magistrates—and he had every disposition to believe that the magistrates in question discharged their duties fairly and conscientiously. Moreover, as a practical proof that the Government did not adopt the charges as true, they have removed Mr. Gore Jones from the county of Londonderry; and although it was not the intention of Government ultimately to remove him from the police altogether, they have not as yet appointed him to any other situation. If the Committee before whom the evidence had been given were now sitting, he thought the magistrates had fair grounds for demanding permission to go into a rebutting case. As, however, that Committee had closed its labours, and as the circumstances complained of occurred in another session of Parliament, he saw no reasonable ground for granting the prayer of the petition respecting the inquiry. Besides, as the Orange body no longer existed—as they had dissolved themselves in a most creditable manner to the heads of that institution—and he should never lose an opportunity of bearing his testimony in favour of their conduct—he did hope, under all the circumstances of the case, that the matter would not be pressed farther.

Sir *Robert Bateson*, as one of the representatives for the county Londonderry, begged to offer a few remarks to the House. With regard to the grievance of which the petitioners complained, he hoped that a portion of that justice of which the House heard so much might be extended to them, and that their conduct, as magistrates, would be fully and fairly investigated. With regard to the delay which had occurred in the presentation of the petition, he had no wish to impute improper motives to the noble Lord in keeping it back; and he was sure he was but speaking the sentiments of all the Irish members who had occasion to have communications with the noble Lord, when he said that they were invariably treated with the greatest courtesy and attention. The origin of the complaint preferred by the magistrates of Derry, who signed the petition, was as follows:—Mr. Gore Jones was examined as a witness before the Orange Committee, which sat last session. That person in the course of his evidence preferred grave and deliberate charges against the magistrates in question. He accused them all of being Orangemen, of being violent party men, and, moreover, he distinctly accused them of not doing justice at their petty sessions. When the magistrates heard of this they communicated with Lord Garvagh, the Lord-Lieutenant of the county. A meeting of the magistrates of the barony was held, and resolutions were entered into, demanding inquiry. The meeting came to resolutions, a copy of which he held in his hand. It appeared that Mr. Gore Jones, in the course of his examination before the Committee, was asked the following question:—"Are there many of the magistrates in that district avowed or reputed Orangemen?—I should say the whole of them were, that is my belief." With respect to the processions, Mr. G. Jones was asked—"Have the magistrates, on these procession days, attended for the purpose of discharging their duty in suppressing those processions after the Act became the law of the land?—I never heard of any doing it. In that district?—Never." Now what would the House think of the veracity of this Mr. Gore Jones when he stated that not one of these eleven gentlemen was at the time or ever had been an Orangeman—with the exception of one who had belonged to the society in 1798, the year of the rebellion, and had never since joined it. Mr. Gore Jones, it appeared; was examined with respect to the petty sessions, and was asked the following question:—"Have you attended the petty sessions frequently?—Always. I make a rule never to be absent from any petty sessions within my reach." His answer was explicit enough. But what would the House think of this person, when he (Sir R. B.) informed them that the proceedings of the magistrates at these sessions was matter of record, and in referring to these records it was discovered that, at that time, he had been two years at Portglenone, and had attended only twice at Kilrea, once at Maghera, once at Magherafelt, and never at Moneymore. The magistrates called upon him to produce the evidence upon which he grounded his opinion of them; and as he did not comply, they felt justified, individually and collectively, in saying that his statements were not only not founded in fact, but were direct falsehoods. The noble Lord had stated, that Government did not impute any blame to the magistrates, but he wished he had gone further, and said that there was not a tittle of evidence to support the charge made by Mr. Gore Jones. That person was the paid agent of the Government, and the Government was, therefore, answerable for his conduct. It was well known that if any charge, however trivial, was preferred against a magistrate, no matter how infamous the character of the accuser might be, an investigation was immediately ordered by the Government. But here were eleven gentlemen whose characters were maligned—eleven gentlemen of high station, and of both parties—for there were Whigs and Tories amongst them, whose conduct has been publicly assailed, and yet an inquiry has been refused. Mr. Gore Jones threatened the magistrates with a prosecution for libel. The magistrates courted inquiry even in that way, but as he did not proceed with his action, the magistrates felt that there was no way left them but to demand inquiry from the House of Commons, in order to free themselves from all stain. Those gentlemen who had been so wantonly assailed, were ready to prove before any tribunal that there was not one particle of truth to sustain the accusation. The noble Lord stated, that he had removed this person from the district, but that it was not intended to dismiss him. If he had acted improperly in the county Derry he was unfit to hold a situation any where else—and if properly, the magistrates ought to have been deprived of their commissions. He should not have entered upon this branch of the question had not the noble Lord said, that Mr. Jones was a useful officer. He had never seen Mr. Gore Jones in his life, but he had no hesitation in saying that his conduct as a stipendiary magistrate was most tyrannical and illegal. He had acted on more than one occasion in a most illegal manner—he had taken the law into his own hands, and set the opinions of the magistrates at defiance. On the 12th of July last he went into the town of Bellaghy and took two guns from a man of the name of Kennedy—one a registered gun and the other a yeomanry musket. He committed a most wanton outrage upon the man, and struck him with a stick. Luckily this happened during the time of divine service, when the people were absent, or it was hard to say what might have been the result. He went on the 13th of July into the town of Kilrea, with a party of military. He was told by Mr. Waddy, a magistrate, that there was no apprehension of any disturbance. Mr. Jones, however, in a most intemperate manner, followed the Orangemen, a collision ensued, stones were thrown, and one of the officers was struck with a stone. Eleven or twelve respectable farmers were taken up and tried before Baron Pennefather. It was proved upon the trial distinctly, that no riot or disturbance whatever would have taken place if Mr. Jones had not interfered. It was he, in fact, created the riot, and the Judge in his charge to the jury stated that no riot would have taken place but for him. The men were, of course, acquitted, and permitted to return to their homes. This was but one of many instances in which Mr. Jones had acted most improperly. He apprehended three men of the name of Patterson, on suspicion of having committed an outrage in a burial ground. He took the first two magistrates' horses, and conveyed them into the county of Antrim. He detained them prisoners two nights and three days, examined them on oath respecting the outrage, and also respecting some gunpowder and two guns he found in Patterson's house. They were discharged without trial. Patterson said, he got the powder from Hall, of Bellaghy, who he afterwards summoned before him for having sold gunpowder, and convicted him, which he had no right to do. He committed him to gaol, there to abide for six months, or pay a penalty of twenty pounds. The men afterwards memorialed the Lord-Lieutenant, and were liberated. He was sorry to trouble the House at such length, but when the characters of highly respectable gentlemen were assailed, he thought it was not too much for the noble Lord either to grant inquiry or publicly state that the accusations were totally unfounded.

Captain *Jones* coincided in all that had fallen from his hon. Colleague. The public notice which he had no doubt would be taken of what occurred that night would, he thought, be sufficient to show how completely unsupported the charges were.

Petition to lie on the table.

FACTORIES.] Lord *Ashley* begged to ask the President of the Board of Trade whether it was the intention of Government to take any further proceedings in the Factory Bill?

Mr. *Poulett Thomson* said, that he had allowed the measure to drop, it not being the intention of Government to persevere with it. After the division of the other night, it seemed to them that it would be extremely difficult to carry the Bill; and if it were finally carried, it would only be against the sense of so large a body of the House, as to render any effort of the kind unadvisable. In withdrawing the Bill, however, he begged to say, that he considered the responsibility to rest with the House of Commons.

SIR FREDERICK TRENCH AND MR. RIGBY WASON.] The *Speaker* said, I beg leave, before the House proceeds to any further business, to draw their attention to the special Report, which has been this day made, from the Committee on the South Durham Railway Bill.

[The Report was read.]

The *Speaker:* Of the two hon. Members who were ordered by this House to attend in their places forthwith, one hon. Gentleman, the Member for Scarborough, is now present. I am informed that a messenger has been sent to the residence of the hon. Member for Ipswich, and not finding him at home, the messenger has been directed to wait his return, that he may serve him with the notice to attend in his place forthwith. In the mean time it is my duty, without entering upon the merits of the question, to call upon the hon. Member who is in his place, to give the House an assurance that, as far as he is concerned, the affair shall not proceed any further until both Members are in their places in the House.

Sir *Frederick Trench:* I will briefly state to the House the circumstances as they occurred, and the position in which I am placed. The hon. and learned Member for Ipswich had made a very absurd motion in the South Durham Railway Committee, a resolution which, as it appeared to me, was not only very absurd—

Mr. *Lambton:* I rise to order, and to suggest, that in the absence of the hon. Member for Ipswich, it would be better to abstain from any statement as to what has taken place.

The *Speaker:* The House having had this matter reported to them, are bound to take cognizance of the facts. The hon. and gallant Member being in his place, I call upon him, without entering into the question, to give his assurance that he will not, so far as he is concerned, be a party to any hostile proceedings in consequence of what has occurred between himself and Mr. Wason.

Sir *Frederick Trench:* I have no difficulty whatever, Sir, in submitting myself to your judgment and that of the House; and I have double pleasure in doing so on this occasion, because I have already put myself in a position which does not require that I should take any further notice of the matter.

Subject was dropped.

MUNICIPAL CORPORATIONS (IRELAND) LORDS' AMENDMENTS—ADJOURNED DEBATE.] On the Order of the Day for resuming the Adjourned Debate on the question of disagreeing to the Lords' Amendments to the Corporation Bill for Ireland, having been read,

Mr. *Sharman Crawford* said, he hoped that he should not be considered presumptuous if he stated thus early his sentiments upon the question. He had been intrusted with various petitions from Catholics and Protestants praying the House to reject the Amendments of the Lords, and to those petitions he was anxious to do justice; but he required peculiar indulgence, because he could not concur in the proposition made on either side of the House. He was himself a Protestant, and naturally felt anxious for the welfare of the Church. But he could not conceal from himself that the means taken by the Protestant interest to maintain its ascendancy had been the cause of all the great evils of Ireland. The Bill as originally introduced by his Majesty's Government, went to destroy that monopoly of power in the Corporations of Ireland, which the Protestants had so long enjoyed. In the commencement of the Session an amendment was moved by hon. Gentlemen on the opposition side of the House, with the view of omitting from the Address that passage which spoke of the necessity of giving equal municipal rights to Ireland, as had been given to England and Scotland. That amendment was negatived by a majority in this House, but a similar amendment was adopted by a still greater majority in the other House. Ministers afterwards introduced a Bill which went to establish fifty Municipal Corporations for Ireland. That Bill was sent up to the Lords, though it was known that the Lords would reject it. The Lords did not reject the whole Bill, but they rejected its principle by abolishing all Municipal Corporations in Ireland. But now his Majesty's Ministers proposed that twelve towns shall have Municipal Corporations instead of fifty; thus annihilating no less than thirty-eight Corporations. He asked whether this was sustaining the decision of the House of Commons, or whether it was not rather admitting that the Peers had been right? The twelve Corporations were to have mayors and town-councils, but the rest were to be left to the provisions of the 9th George 4th. If that Statute were sufficient for the thirty-eight Corporations, why was it not also sufficient for the twelve? According to the statement of the noble Lord, four towns with a population of 10,000, and four others with a population of 9,000 persons, were excluded from the twelve privileged Corporations; yet Derry with only 10,000, and Carrickfergus with only 8,000, were, for some incomprehensible reason, included. The great use of a Corporation consisting of a mayor and council was, that the inhabitants might annually have the means of expressing their opinions. This he would call wholesome agitation; but it would not exist in the towns left under the provisions of the 9th of George 4th. The proposition of the noble Lord would cause a collision with the House of Lords for what was not worth a collision, and he appealed to his hon. and learned Friend (Mr. O'Connell) whether it was consistent with the spirit of his noble letter to the people of England? [Mr. *O'Connell*; Yes.] In that letter his hon. Friend had said, "We will have Lord Lyndhurst kicked out—we will have no compromise;" but was not this Bill a compromise, and a degrading compromise, for the people of Ireland? He was very sorry to differ from his hon. and learned Friend, but, as an honest man, he was bound to express his strong convictions, with great deference to the opinion of his hon. and learned Friend on most points. He could not concur with him in this. His hon. and learned Friend knew that he (Mr. Crawford) had ever supported him in his general political views; but whenever he conscientiously differed from him, he honestly avowed that difference. His hon. and learned Friend had, on the occasion of his late letter to the people of England referred to that principle which he had so often inculcated on the people of Ireland, and which was expressed in the forcible words of the motto—

"Hereditary bondsmen, know ye not,
Who would be free, themselves must strike [the blow."

Now how, he asked, was this blow to be struck? His hon. Friend did not mean to resort to arms. Then, what could he mean, except a firm, temperate, and uncompromising demand of the rights of Ireland? And was it consistent with such a principle of action to accept the degrading compromise in the proposition of the noble Lord. Looking at the policy of this question as regarded England, he begged to inquire whether it tended to increase the honour of the House of Commons that it should thus succumb to the House of Lords? What was the inference from the course recommended?—Either that the House of Commons had sent up a bad Bill to the House of Lords, or that having passed a good Bill it was afraid of maintaining the right. If the representatives for Ireland submitted to this humiliation, the blame would not rest with the Government, nor with the English and Scotch Members. This was not a case for a temporising policy, when such an insult had been offered by the House of Lords to the whole population of Ireland; and for his part he was ready to reject the Bill at once, and rather to postpone relief to Ireland for a short time than accept so degrading a measure. It had been said, that to take any other course would be dangerous to the Administration; but the true friends of the Administration were those who recommended them to rest upon the rights of the people, and to depend for support upon the popular voice. The proposition which he conceived ought to have been made was, that the amendments of the Lords should be rejected. After the insulting manner in which Ireland had been spoken of—after the insulting language which a noble Lord in the other House had used, and which had been repeated in this House, there was no medium course for the real friends of Ireland to pursue, but to treat with reprobation the degrading proposition which the Lords had offered for their acceptance and to give to their amendments the most indignant rejection.—He did not, however, wish to offer any disrespect to his Majesty's Government by proposing the rejection of these amendments. He felt that Ireland was much indebted to the noble Lord for the admirable sentiments expressed by him last night; and far be it from him to offer any unnecessary opposition to the proposal made by that noble Lord to the House. But though he should not adopt that course, still it was his intention, whenever the question came on for discussion as to what towns should have Municipal Corporations and what not, to submit such a motion to the House as he conceived ought to be adopted. He trusted that in the observations he had made, he had not said one word, or expressed one sentiment, which could be considered offensive to any individual. If he had gone beyond any of his hon. Friends, it was only, perhaps, from over much zeal in the cause which he espoused though he by no means intended to impute a want of zeal on the part of those who fell short of the opinions and views he entertained on this all-important question.

Mr. *Lefroy*, in rising after the hon. and learned Gentleman who had just sat down, could not avoid expressing his satisfaction at the straightforward and manly integrity with which the hon. Member had expressed his opinions. He did not feel called on to reply to anything which that hon. Gentleman had said; for what had fallen from the hon. and learned Gentleman proved very clearly that the Bill now under their consideration was not the Bill originally proposed by his Majesty's Government; and he, therefore, thanked the hon. Gentleman for proving, in reference to that Bill, the inconsistency of his Majesty's Government. He also thanked the hon. Gentleman for exhibiting the inconsistency of the hon. and learned Member for Kilkenny, if he supported his Majesty's Government in the course they were now pursuing; and after what the hon. Gentleman had said, he claimed his support in resisting his Majesty's Government in the steps they proposed. The hon. Gentleman had appealed to those around him, those of that party who called themselves the Irish representatives, to support him in obtaining what he designated justice for Ireland, by securing the extension of the same corporate principle as had been applied to England and Scotland. He would also join in the cry of justice for Ireland. He would join also in the call upon the House to legislate for Ireland on the same principle on which they had legislated for England and Scotland. But the value of that cry depended entirely on the meaning attached to it by those who used it. If the hon. Gentleman meant justice for the whole people of Ireland, and included in the term not merely the numerical majority which the Roman Catholics constituted, but the minority, as he admitted the Protestants of Ireland to be, but not inferior in wealth, rank, intelligence, station, or influence—if the hon. Gentleman meant to include that portion among the people of Ireland, then he was bold to say that the measure proposed by Government did not give justice to Ireland. It was usual with certain parties to speak of the Catholics as the people of Ireland—the hon. Gentlemen representing that side of the question were denominated the Members for Ireland; and even their leader himself was called the representative of all Ireland—the great political primate of Ireland. Such was the view taken by certain parties of what constituted Ireland and its people; and it never could be considered justice to Ireland, to legislate without regarding the rights and interests, the feelings and wishes of one large and important class of his Majesty's subjects. They had not so legislated for England or Scotland. There was no analogy between the cases of England and Scotland and that of Ireland, as to the reconstruction of municipal Corporations. In England and Scotland these were called for by the general voice of the people, and the operation of that reconstruction could not be to transfer the rights enjoyed by one party exclusively to another. In Ireland, the property of Corporations was in the hands of Protestants. He did not say it should be so; but the effect of the Bill as at first proposed, and as it went to the Lords, would be to transfer the rights and privileges and property of Corporations in Ireland from the hands of Protestants to Catholics. The effect of the measure of Government would be to transfer from one exclusive party to another still more exclusive the whole of the corporate property, the whole of the corporate rights, the whole of the corporate privileges, and he was bound to ask what kind of justice to Ireland would that be? The House would not pass a bill *eo nomine*, to transfer to Roman Catholics the rights and privileges of the Protestants of Ireland. But if the effect of the measure be a transfer of rights and privileges, was not that House doing, indirectly, that which they could not directly sanction? What did the Lords' Bill do? It abolished all offices not essential, and by that means contributed to save the corporate property, the control of which it transferred to commissioners, for the purpose of paying off all debts, meeting all claims and pensions, and lastly, to apply the surplus for the public benefit of the inhabitants of each corporate town. A few offices necessary to the convenience of the inhabitants, such as those of weigh-masters and clerks of the market, were preserved. The appointment of these, instead of being placed in a town-council, composed of one party only of his Majesty's subjects, was vested in the Crown itself as *parens patriæ*, which would distribute them with justice and impartiality to all the classes of the community. The Bill sent down from the Lords was not a measure which gave a preference or monopoly to either party, it was calculated to do justice to Ireland on the only condition on which that was possible—that of advertingto the rights and the feelings and wishes of every class of the people. If the measure of Government was one of oppression and injustice towards the Protestant population of Ireland, as far as regarded the existing rights of corporate property and patronage, how much more seriously, how much more grievously, did the new power of taxation created by the Bill to be vested in the town-councils in twelve selected places, and in the commissioners in the remaining twenty, affect Protestant rights and interests? In twelve towns named in one of the schedules, the councils had a right to assume immediately all the powers of taxation vested in Commissioners by the 9th of Geo. 4th, and according to another provision of the Bill, that Act was to be applied, not at the option of the inhabitants, not through the instrumentality of popular election, but imperatively, to twenty other places. He found that the council would be authorised to impose taxes for the purposes of election, for the erection of polling booths, for the salaries of the mayor, treasurer, town clerks, and of the coroner, where there was one, and of such other officers as the council might think fit to appoint to carry this Bill into effect. For all these they might appoint salaries without stint or limit; they were authorised also to appoint a paid magistrate, and provide a police office, in which he should transact business; to appoint clerks, special constables, and watchmen. To defray these expenses they had full power to tax the inhabitants. This was to be a graduated tax, to be paid in proportion to the value of the houses. All above the value of 20*l.* were to pay double. Now, who inhabited the most part of the houses of that description?—The Protestants. Who inhabited the 5*l.* houses?—The Roman Catholics, who were to elect the town-council, or the Commissioners. He trusted that the House would pause before they intrusted to the Roman Catholics a power of taxation beyond that now possessed by any Corporation, without control either as to the amount or disposal of the sums levied, and with no security whatever to the Protestants of Ireland on either of these points. If this delegated authority was not withdrawn or modified, the Protestants would be placed completely at the mercy of those who had been taught to regard them as enemies, and to whom they owed a large measure of retribution for past injuries. He could not imagine what solid grounds there were for the distinction drawn between the two classes of towns enumerated in the Bill. If Corporations were so essential to the well-being of the first twelve towns, he quite concurred with the hon. Member for Dundalk that they were equally necessary to the others. Why should they force on these towns the enormous expense which would arise under the Act of the 9th of Geo. 4th? The inhabitants of many boroughs had already rejected that Act, on account of the expense which it would have entailed on them; and he believed that if the wealthy part of the Roman Catholic population could venture to speak out, they would declare that they had no desire to be subjected to the taxes which must inevitably follow its application. They had heard much of justice to Ireland, but the word was used in a vague and indefinite sense. He tried it by the test of its application to property—which was its proper object. How small were the pretensions of this Bill to be considered a measure of justice, if they included under the denomination of Ireland the Protestant subjects of the Crown, and the wealthy portion of the Roman Catholics themselves. The Bill of the House of Lords left it to the option of every town whether they would apply for the provisions of the Statute of the 9th of Geo. 4th or not. Every duty which it remained to the Corporations to perform was provided for without expense, and in a manner not liable to those objections to which the Bill of his Majesty's Ministers was open. Justice was no doubt a good thing, but to be justice, it should be even-handed. There was another thing also which was equally good, and that was peace and harmony amongst fellow-citizens. He appealed to the consciences and understandings of all who heard him, whether they were more likely to have peace and harmony in the towns of Ireland from a measure which would give rise to all the bitterness and strife engendered by annual elections, or one which took away the bone of contention? He appealed to that House whether domestic quiet and concord would be promoted by a Bill which opened a wide field for protracted strife, for continual jealousy, for continual rivalry, which would be manifested in incessant conflicts between Roman Catholics and Protestants, until one party was overturned by the other. Was that Bill so well calculated to produce peace and harmony as one which gave the inhabitants of the towns the option of introducing for the government of their respective communities the Statute of 9th George 4th, which answered all the useful purposes of a Corporation? He thought that no man who exercised his judgment, or regarded his conscience, could hesitate to say that it was not. The noble Secretary of State for the Home Department had said that, under the Lords' Bill, there would be no municipal liberty for Ireland. Did the noble Lord mean the term or the thing, the shadow or the substance? But would the noble Lord, or would his supporters call that municipal liberty which would be the consequence of their own measure?—Was it municipal liberty where one party was to have the absolute and uncontrolled dominion over another? Let the House but consider the temper and state of parties in Ireland—let them look at the vast preponderance, in point of numbers, of one party, and then let them conclude what sort of municipal liberty the Bill of the noble Lord would secure to Ireland. He regretted that, in the course of his speech, the noble Lord was betrayed into a threat that the Peers would retract their legislation on this measure the moment the first shot was fired in Europe. He did not think it becoming in the noble Lord to read so severe a lecture to the ex-Chancellor of England, for the language he was supposed to have used when speaking of the people of Ireland, and, at the same moment, to allow himself to be betrayed into a much greater indiscretion. He (Dr. Lefroy) regretted that any Minister of the Crown should use such language—should hold out an encouragement to the people of Ireland to attempt, on some future occasion, to wrest by force and violence from the Legislature, what, in their deliberate judgment, they thought it would be dangerous to grant them. It ill became the station of the noble Lord; it was not consistent with the high office he held in his Majesty's councils to minister this mischievous incentive to an easily-excited and inflammable population. Having already addressed the House on the details of the measure, he thought it would be inexcusable in him to trespass on its attention on that part of the subject again. He would allude to another topic, so admirably treated by his hon. Friend, the Member for Sandwich. In every thing that fell from him he entirely coincided, and would not, therefore, go over the ground so ably occupied by the hon. Member (Mr. Grove Price). He thought that the time was come when they should determine whether we were only to have the name or the reality of a second branch of the Legislature. He thought the present a fit and proper occasion to put this question to the test, and unless the theory of the British Constitution was but a mere mockery, he had no doubt of the result being in favour of the independent legislative functions of the House of Lords. If the Upper House were not allowed to exercise their own judgment, and to differ with the Commons on any question, what would become of their separate existence as an independent branch of the Legislature; and if they were permitted to differ on some questions, and not upon others, who could lay down the line of distinction, and say "that on such and such questions, we, the Commons of England, will not allow you to exercise your own deliberate judgment; on these you must agree with us." He would defy any constitutional lawyer to draw the line, or point out any one measure over which the Upper House were not empowered by the constitution to exercise their full and free right of differing with the Commons. The noble Lord talked of a compromise, and speaking on an Irish subject, he doubtlessly was determined to propose an Irish compromise. The House of Lords pronounced their solemn decision, on the ground of the danger of the measure, against applying its provisions to seven towns in Ireland, and he supposed, by way of lessening that danger, the noble Lord now proposed as a compromise to extend its provisions to twelve. The noble Lord has given them a singular proof of his notion of a compromise. He proposes a measure pregnant with mischief, pregnant with the vice of the principle, and calls on this House to support him in his endeavours to apply it to a greater number of towns than it was proposed in the Lords to be given, when it was rejected—and he calls this a measure of compromise. He would not trespass further on the attention of the House, but would declare his readiness to give a decided negative as well to the mitigated Bill of the noble Lord, as to the one originally brought in by his Majesty's Attorney-General for Ireland.

Mr. *Grote* was anxious to offer a few observations to the House on the subject now under discussion, and wished the rather to do so because he had not taken any part in the long debates on it which had already occurred. He was conscious that after the copious and ample manner in which the whole subject of the Irish Corporations had been discussed, it would be quite impossible for him to offer any thing to the House that had not been said before, and therefore he was under additional obligations to be brief. He must say, however, that if it was impossible for him to find anything new to submit to the House, other hon. Members had the same difficulty to contend with. The chief objection advanced against the measure in both Houses had been, that it was a transfer of power from the minority to the majority. He on the other hand maintained, that it was a transfer of power from a part to the whole. It placed both Protestants and Roman Catholics on the footing on which they ought to be in respect to citizenship—a full and absolute equality; and although the hon. Gentleman opposite wished that that level should consist in a community of subjection, he, for his part, preferred that it should consist in a community of privileges. The manner in which the proposition of the noble Lord had been introduced to the House, would render it unnecessary for him to make some observations which he should otherwise have thought it his duty to offer to the House. He confessed that he participated to a considerable extent in the feeling expressed by the hon. Member for Dundalk, who had first addressed the House that evening. He would have preferred that the amendments to this Bill sent down from the House of Lords should have been at once rejected, unless on a careful review of them there could have been found any one which in their hearts and consciences they could approve. It was never too late to rectify an error; but it appeared to him that the making of concessions against their own judgment and opinion was seldom attended with any other result than that which they had witnessed on this occasion. The concessions made had not had the effect of conciliating hon. Gentlemen opposite, who would no more consent to pay 10*s.* in the pound than they would to pay the whole, because they disputed the principle itself on which the measure was founded. If ever there was a Bill on which it would have become the House to exercise its privilege of discussing amendments proposed by the House of Lords with a scrupulous regard to its own dignity, it was the Bill now before them, for most certainly it had been dealt with by the other House in a manner in which no Bill had ever before been treated. They had not only entirely changed the principle of the Bill, but they had embodied in it a principle which had been already considered and deliberately rejected by that House. He thought that the representatives of the people might at least have been spared the pain of making concessions to those who had declined, he might almost say insultingly declined, to make anything like concession to them. The question which they had to decide was not whether less should be conceded to the House of Lords, but whether more should be conceded. In that point of view he cordially agreed with those Members who thought that the House would be eternally dishonoured if they suffered the Bill to be commuted and transformed as it had been by the other House. Their Lordships had not offered the House of Commons any argument, or even the semblance of any argument, for altering the decision to which it had come; on the contrary, the tone and spirit in which their discussion on this Bill had been conducted, furnished the House of Commons with additional reasons for adhering to the principle of the Bill which they had sent up to their Lordships. He would ask any man who then heard him, whether the declaration of a noble and learned Lord, to which reference had been frequently made last night, had not been embodied in effect into the amendments made by their Lordships on this Bill? If, instead of relating to the people of Ireland, the amended Bill had related to the people of Hindostan, the people of Ireland could not have been more effectually debarred from all political franchise and office. The measure involved two principles—of which the first was, whether municipalities were useful and beneficial; and the second, whether the population of Ireland, Protestant and Catholic, was to be dealt with on the same rules and principles as the population of England and Scotland, Protestant and Catholic, and also without reference to the amount of the population belonging to those two different creeds on either side of St. George's Channel. He was inclined to decide both questions in the affirmative. He thought that we were bound, on every principle of justice, to deal fairly and impartially with the whole people of Ireland, without drawing any distinction as to the religious sect to which they belonged. That proposition had been fully sustained by the Bill which they had sent up to the Lords, and had been negatived as decidedly by the amendments made by the Lords, who had insulted and dishonoured the people of Ireland, by declaring them unfit to exercise municipal, and therefore any other political, rights. He did not wish to speak lightly of a collision between the two Houses of Parliament; but let the collision of that House with the House of Lords come when it might, it could never arise on a more noble or a more national object than the present. If the House of Lords were determined to arrest the progress of improvement by eradicating, by their amendments, all the merits of the Bills sent up to them by the House of Commons, he would recommend them to save themselves the trouble of amendment in future, and would prefer their rejecting the Bills of the Commons upon the motion for a second reading of them. If it were to be understood that the two Houses must decide on all Bills for effecting great improvements upon principles diametrically opposite to each other, the sooner that fact was announced to the country the better. Indeed it was the duty of the House of Commons to announce that fact to its constituents as soon as it came under its knowledge. The fact that they must meet with the same spirit of opposition from their Lordships on all important measures which they might send up to that House, rendered him less solicitous than he might otherwise have been for the settlement of the difference between the two Houses on this particular subject. When he saw the House of Commons perpetually considering upon all measures of reform, not how much they ought in justice to give, but how much the Lords would be disposed to grant, he thought that the time was come when they ought to inform their constituents of that melancholy truth, and let them decide whether they would be governed on the principles avowed by the House of Lords, or on those acted on by the House of Commons. That was his view of the case—and he should therefore cordially second the motion of the hon. Member for Stroud, reserving, however, to himself the right of supporting the hon. Member for Dundalk in his proposition to extend the operation of this Bill to sixteen or twenty-three towns, as he might think fit.

Mr. *Richards* could not refrain from giving expression to the surprise which he felt at hearing the hon. Member for London recommending the House to act in such a manner, as would bring on a collision with the other House of Parliament. What did the hon. Member mean? Did he mean to recommend the House of Commons to usurp the privileges of the Lords? Did he see the inevitable consequences of such an usurpation; and did he, with his utilitarian doctrines, flatter himself that the people of England were ready to go out with him on his Quixotic endeavour to change the form of government under which they had flourished and been happy for more than a thousand years? Why, what did the hon. Member's proposition lead to except republicanism? For what but republicanism could be the result of that House assuming to itself the powers of the Government and the privileges of the House of Lords? He (Mr. Richards) could not believe that the hon. Member for London supposed that by his proposition he should add either prosperity to industry, or security to property. Certainly it would not produce either of those effects. Instead of peace, the hon. Member was bringing a sword upon his country; and his proposition, if acted upon, would lead to confusion and civil war, and every thing that was disastrous and melancholy. The hon. Member for London had talked of the necessity of giving peace to Ireland, and had assumed that this was the only measure which could give peace to that country. He had also assumed, that justice to Ireland required that this measure should be adopted, and had spoken of the House of Lords as if they were animated by a determination to reject every bill which was calculated to do good to Ireland. Where were the hon. Member's proofs for these extraordinary assertions? Really, it appeared to him, that the conduct and language of the hon. Member for London required much greater charity than anything which had been either said or done in the House of Lords. He (Mr. Richards) contended that this was not a religious but a political question, and he should treat it accordingly. He was for granting to Ireland everything which was likely to contribute to its happiness and peace; and the rule which he had laid down for his guidance in the consideration of this Bill was, "would it give happiness and peace to Ireland?" Quite the reverse. One of the grounds on which this Bill was defended was, that it would encourage and promote agitation. The hon. Member for

Dundalk had said, that agitation was wholesome, and had bestowed great praise on the hon. and learned Member for Kilkenny for the manner in which he conducted it. Now, he thought that agitation was unwholesome, and instead of lauding the hon. and learned Member for Kilkenny for promoting it, he considered that the conduct of the hon. Member deserved the strongest censure. It was clear, then, that if this Bill increased agitation, the Municipal Corporations provided by it would not conduce to the happiness and prosperity of Ireland; and a measure more likely than this Bill to aggravate the mischiefs of agitation, he, for one, had never yet met with. Referring again to the collision with the House of Lords, which he accused the hon. Member for London of recommending that House to court, he observed, that it was indeed surprising that that hon. Member being a banker, should hold up a fire-brand and throw it among the multitude, for the purpose of destroying public credit. He could not forget the spirit of candour and political honesty with which the right hon. Baronet, the admirable leader of the opposition side of the House, admitted that the various powers vested in these Corporations had been administered for the benefit of one exclusive party, and had therefore been abused; nor the salutary caution which he had given to the noble Lord at the head of the Government, not to transfer the powers, which it would be better to abolish, into the hands of another exclusive party, which was quite as likely to abuse them. How had that salutary caution, proceeding from a noble spirit of candour, been met? Let them look at what occurred even in England. How had the reform recently given to the Corporations of England been applied? Had not the powers of the reformed Corporations been openly, boldly, and almost universally exerted to sustain the party of which the noble Lord was at the head? He contended that the noble Lord had used the powers vested in the Corporations *per fas et nefas* to increase the strength of his party in the country. The object of the noble Lord, then, in bringing forward this Bill, was not the promotion of the welfare, the prosperity, and the peace of Ireland, but the increase of the political power of his own party for mere party objects. His object was to increase the influence of the hon. and learned Member for Kilkenny, and to give him the power of nominating not merely forty Members, as at present, but sixty Members in future. He did not blame the Lords for the manner in which they had dealt with this Bill. Instead of blaming them, he, for one, as an independent Member of Parliament, speaking in the name of the people of England, ay, and in the name of the people of Ireland too, though he was but an humble individual, and did not pretend to the influence of the hon. and learned Member for Kilkenny over them, thanked their Lordships, because they had determined to stop that species of direct and indirect nomination, which this Bill, if it had remained unamended, would have enabled the hon. and learned Member to exercise over the different boroughs of Ireland. Let not Ministers plume themselves on the support which they now received from that hon. and learned Member, and his party of English and Irish Radicals. Though the hon. and learned Member now went on all fours with them, it was not because he liked them, or because the party with whom he acted liked them. He only acted with them *pro hâc vice;* and already the day was anticipated in which, his objects being accomplished, he would kick them rudely off, and leave them to extricate themselves as they best could from the difficulties into which he had led them. Instead of promoting perpetual agitation, the hon. and learned Member for Kilkenny might have proved himself a better friend to his poor countrymen by promoting real measures for their benefit. He had before told the hon. and learned Member for Dublin how much he owed to his poorer countrymen. Much, very much, had the hon. and learned Member done to advance his own interest, and the interest of his party; but what had he done to advance the interests of the poor people of Ireland, to whom he was so much indebted? He had been horrified by the pictures of misery which the hon. and learned Member had described as existing in Ireland; but he had been still more shocked by finding that the hon. and learned Member had never exerted his great influence and his great talents in devising means to relieve that misery. He had opposed, however, all projects for the relief of his poorer countrymen, and he (Mr. Richards) had no hesitation in saying, that but for that opposition, some measure would before this have been adopted to relieve the extreme poverty and wretchedness of the people of Ireland. If the people of Ireland were to enjoy equal prosperity with those of England, they should learn, it was not to be promoted by listening to the voice of the charmer for factious and unprincipled agitation, charm he never so eloquently; not by seeking to create a disruption between two co-ordinate branches of the Legislature; not by a repeal of the Union, but by learning the arts of peace—by maintaining the security of person and of property, under a wise, fair, honest and impartial administration of the law of the land.

Mr. *Wyse:* The hon Member who has just sat down has, as a matter of course, professed an extraordinary love for Ireland. It forms the beginning and end of most of his speeches. He is deeply solicitous for her prosperity—he is more Irish than the Irish in calling for ample and universal justice; but when we ask for deeds, we find he has been giving us shadows. His love is purely abstract, his solicitude theoretic; he would do justice to the country generally; but the moment we point out some specific case or spot where this general zeal may be displayed, we are immediately told that we have hit upon the precise instance where an exception should be made, and where the justice we call for would be impossible. Why, what is this but adding insult to injury—trifling not only with our feelings but our intellects? The hon. Gentleman may take upon himself the character of Member for all England, and what is still more preposterous, for all Ireland—(why did he omit Scotland?)—but I doubt much whether the inhabitants of his own borough would recognise, if he were this moment to question them, either the insult or the absurdity. The hon. Member respects the other branch of the Legislature. So do I. I respect the Lords much, but the Commons more. The hon. Member dreads and deprecatest hese differences. So do I; but not like the hon. Member—I would end, or at least mitigate, instead of exasperating them. To talk of respecting the Lords, while the hon. Member advocates measures which must inevitably bring the Lords into public odium and contempt—to talk of avoiding collisions by requiring all concessions from one side and applauding al resistance on the other, is a species of logic which it required the very peculiar reasoning powers of the hon. Member to have been guilty of. In one thing I thoroughly agree with the hon. Member. This is a most momentous and grave discussion, not terminating in the details of the measure itself, but producing a long series of the most important consequences. Other differences between the two Houses have been differences of etiquette, matters of ceremonial privilege, the mere forms and externals of the Constitution. Here the Constitution itself is at stake. On other occasions the nation looked with indifference on the struggles of a House of Commons emanating principally from the Peers. Here a reformed House of Commons, eminently the people's House, their image and their organ, is in direct opposition to a House which is declared more than ever to require reform. Nor is the contest upon a question like that of Catholic emancipation, in which large masses of the people were adverse to the opinion of the Commons themselves. Here three nations are of but one opinion. The question, though applying specifically to Ireland, is, if we are to believe their own express declarations testified through the innumerable petitions which cover our table, a question truly imperial—a question involving the interests of all three. It is a question, too, still more than reform itself, pre-eminently and essentially a question of the people. It is of their interests, and of their franchises, and of their rights, and not of those of the Lords that we now debate. If self-government be denied in the towns of Ireland, what right can we set up for it here? If the people be too vile or ignorant to choose a mayor or amend a road, what business have they with choosing representatives to this House, or wielding through their hands the destinies of empires and generations? More than all, this is a struggle in which it cannot be for an instant doubtful who is to be the conqueror. If any be incredulous, I point to the Relief Bill, the Reform Bill, the Municipal Bill. They also were to be resisted eternally—on them, also, were final stands to be made. The Bills are now Acts of Parliament—the revolutionary measures are the constitution of the country. War to the knife has subsided into obedience to the law of the land. So also will it be with this—so also must it be. It is in the very nature of the laws which have been passed to produce a necessity for others, until the reform which they have begun, not completed, shall be perfect. To stop now, when they could not stop then, is impossible; and if it were not impossible, it would be impolitic and unwise. The worst of all states is that where institutions themselves are, from their variance with each other, sources of discord. Let us at all events have harmony—let us build in the sense of despotism, or freedom, but not of both. Nor is this contest one in which the Commons were the aggressors. Two branches of the Legislature may be said to stand against one. His Majesty's Ministers, it is presumed with his Majesty's consent, bring down a Bill modelled on an Act already sanctioned by the three estates. It passes by a large majority this House, with the full consent (to judge from their petitions) of the people. Who objects to it? A majority of the Lords. Is it possible that this majority, which is a minority in the nation, can succeed?—is it possible they can long continue to resist?—is it possible their resistance can be unaccompanied with evil—and on whom is the *onus* of such defeat or of such resistance—on whom is the responsibility of such calamities to rest?—on this House or the other, or those who bring in the Bill, or those who were the first to resist and reject it? The sole object of Corporations, if we are to believe the hon. Member for Exeter, was simply to oppose the enactments of the barons; as the reign of baronial warfare and oppression is at an end, so also, following up his reasoning, should Corporations. But this is a mis-statement of the question. This was an incident—they served for this amongst other things. Their original object was much wider. They are not Norman, nor even Saxon institutions—they are Roman. Sir Francis Palgrave's theory is founded on analogy—on fact. They are relics of the old republican institutions of Rome. Their object was self-government. The *municipia* were, even under the imperial sway, as far as local affairs were concerned, small commonwealths. Traces of this organization are observable not only in these countries, but over all Europe. Their true object, to which all others were secondary, was the management of their local affairs. In Ireland, indeed, the case is said to be different. Corporations were planted there, it was said, solely to preserve and extend the Protestant religion. This was, however, the abuse, not the use. A despotic prince employed a constitutional instrument to carry more absolutely and arbitrarily into effect his own views of proselytism and government. But he would put it to any Member in the House, had they effected either the real or presumed object? Had the Irish Corporations been good instruments of self government, or good instruments even of proselytism. The Catholic religion existed and increased under the very shadow of these fortresses—increased, too, from their very character; because they excluded and oppressed, the excluded and oppressed sect naturally augmented both in numbers and hostility. But do their warmest advocates in their hour of need support them? Who, of all that profited by them, now stretches out a single hand to save? The Corporations of England had some defenders. The "immaculate" Corporations of Ireland had none. On this point all are agreed; the abomination of abominations must be got rid of. Accused and convicted of profligacy, pecuniary and political, to an extent even beyond Tory palliation, they are condemned on all sides of the House to be delivered over to the secular arm. But now comes the great difference betwen us. Having cleared away the rubbish—having got rid of the abuse—having cast away the useless and injurious institution, we would build, reform, and restore. We, on the cleared ground, would erect institutions which would answer the ends for which they were designed in their place. What do the supporters of the Lords' amendments—what do these "architects of ruin" propose in their place? No municipalities—no corporations—no; the very name is loathsome in their nostrils; but commissioners on one side, after all their vituperation of commissions, and an elected body, with all their horror of election and the people, on the other. Without entering as yet upon the merits of the change, I simply ask the House is this consistent? Where is the conservation? They destroy, without once deigning to hear a single witness, a single evidence for or against. Last year nights were spent in testing the accusations against the English Corporations. What has become of the scrupulousness and fastidiousness of the Lords this year? Yet there was not a greater difference between one English Corporation and another, than between one Irish and another. Who will rank in the same category Dublin and Waterford, Cashel and Wexford? The iniquities of the pipe-water expenditure are not to be found in Waterford. Wexford already enjoys a Corporation comparatively open and free. Where was the justice of the Peers in condemning the guilty and innocent together? Where was their orthodoxy in sweeping away, without mercy, Protestant Corporations in the north, in order to render doubly sure, the exclusion of Catholic Corporations in the south. But do they really sweep them away?—This is the pretext—the seeming—the phrase. They annihilate the Corporation, but preserve the officers. The clerks of the markets, weigh-masters, butter-tasters and assay-masters are continued—absolutely the defects of the freeman-franchise are continued—the staff is continued, though the common men are disbanded. What constitutes the essential vice in the system is rendered permanent, the accessory only is flung away. But this is out of regard for property. All these salaries are to be considered as a sort of heritable freeholds. Let us see how the regard for property operates in other particulars. Commissioners for the Crown are, in the first instance, to apply it to the sustainment of a whole host of the old sinecurists; and if there be a surplus, not very probable where there are so many to be fed, it is then to be applied to such improvements as the Commissioners deem fit. What do the Commissioners know, or what can they know, of the interests of these towns? Is it not obvious, that this Leviathan Corporation, which is to swallow up all others, must, after all, depend upon information from each town? But from whom is it to come? Not from any public or authorised body, but from this or that private intriguer; to the hand of the flatterer, or the spy, the dexterous haunter of the Castle offices, will be delivered up the substantial interests of the most influential portions of the community. Nor is this all. Gentlemen on the opposite side seem to be convinced that our confiscated funds are never to increase. Certainly with the monstrous clauses, inserted for facilitating and screening alienation, it would be impossible. But these cannot be seriously maintained by a House which piques itself on being the *ex-officio* guardian of the public purse. Well, then, what happens? In Waterford, for instance, the greater part of corporate property is held on terminable leases. When these leases shall terminate, the Commissioners will be called to relet. Here is another wide door open for every sort of fraud and personal negotiation, for individual interests, for motives secret, and, for aught we know, too dark to bear the light. Who will lay out money on a holding which may yet be disposed of to God knows whom? and how have these scrupulous defenders of the rights of property managed the charity funds? Just as they have all the others—left them in the enjoyment, that is the phrase, of the old, half-extinct, half-surviving Corporations. The trustees are corporators, and to be corporators; so that in Dublin, where the Blue Coat Hospital has been a receptacle, by a strange perversion, for the sons of corporators only, it is still to be in the hands of corporation trustees, to be applied hereafter to precisely the same use. But, answer the supporters of the amendments, you will have (in the rate proposed to be levied under 9th George 4th) abundant means for improving the town, and for the levy and administration of such rate we give you a body chosen by yourselves. But the powers under this Act do not extend half far enough. Where are the means for widening streets, erecting buildings, &c.? If the Peers are anxious for these objects, consistently with such anxiety, they ought to have left the Bill as it originally stood. And why have they not? Simply because they have persuaded themselves that a Municipal Council would become an encourager and organ of agitation. But is this enough? Ought they not also to show that a Board of Commissioners, under the 9th George 4th, will be sufficient? But this I defy them to do. Nay, I will go further, and assert, that if a municipal council be a school for agitation, *à fortiori*, must also be such a Board of Commissioners. Who chooses them? Not the Crown; no—but the people. And what part of the people? Not the 10*l.* householders, but the 5*l.*;—the very men whom our opponents are in the habit of considering the mob populace specifically of the cities. How, too, are they selected? In mass, and not by wards. Wards, in many cities—in Waterford, for instance—will mix a large portion of Tory and Liberal interests; and why not? But here you must have, if politics be at all the test, the extreme popular party solely, or in strong majority. The men not only have no very steady principles, but those they have they do not know how to bring them out. But I deny utterly, first, that these bodies would in general be converted to political engines; and next, I do not consider it an evil, that in them, as elsewhere, political opinions and feelings should be evinced. Our charitable institutions are managed by elected Committees; the men drawn are not the political partizans, but the careful, skilful, and honest, the benevolent and the discreet. I rejoice to see, and so do my fellow-citizens, such men in such places. Roman Catholics choose Quakers and Dissenters without reference to party or creed. If agitation be an evil, let us have it in its visible, fair, and purified form, in such bodies, recognised and under the eye of the law and the State, rather than in large and dangerous masses, unauthorised meetings, and turbulent and partial selections. Here it may answer a two-fold purpose, both as a free outlet, and a natural one, for emotions and opinions which will exist, and act as a good guage and scale of the character and quantity of popular feeling. So far from thinking it dangerous, I think it safe. Men have ambitions, and intellect, and energies—give food at home for their honest and useful display, and they will not turn to illicit or perilous gratification for them abroad. Besides, how can you put down this agitation? Do you think it depends upon place or names, or the hearts and heads of men? Whether you call it Council or Board, or its head Mayor, or Chairman, it comes precisely to the same thing. Even if you shut it out altogether, do you not think it would find itself a meeting place and president in every room in a discontented city?—nay, at the corner of every street? Have these men lived in the times of the Catholic Association, and not know this? The Corn Exchange did not make or maintain it. It grew out of, lived, and flourished in your bad laws. If you would wish to expel it—to chain the bad angel in the depths from which it sprung, use fetters which love and justice forge. They, and they only, are equal to the task. I said that Ministers acted consistently with themselves. I say, they also act not less consistently with the British Constitution and freedom. These two last terms I consider identical. What is our Constitution? Self-government. Even the King himself is only a Minister, to obtain more effectually this great object. Self-taxation is the first item in self-government. In this scale it is of no consequence to me whether it be a shilling or a pound. If I give a pound through my own express consent, or through others acting for me, my independence is inviolate; if a farthing be taken without it, I am plundered. On this principle I demand for every rate-payer a proper organ for the levy and management of his rate. The Bill gave it; the amendments would directly or indirectly take it away. Nominated Commissioners from the Crown are to manage property belonging to the people as much as the tax levied but yesterday. What is the conduct of other countries? Not a single State, however opposed in institutions, in Europe (I need not speak of America), with the single exception of Russia, which has not municipal bodies and franchises quite as large and liberal as those proposed by the Bill. I have hitherto argued this question without reference to what is indeed the question—its flagrant injustice to Ireland. It is enough that England has these institutions, that Scotland has them, and that you deny them to Ireland, to make us fling your amendments from us with indignation and scorn. The hon. Member for Exeter thinks lightly of these institutions. Would he dare to have spoken thus to a Scotch audience before they were granted? Of their usefulness we, not he, are to be the judges. We value them—that is enough. The same cant was used when Emancipation was demanded and Reform was demanded—is that your opinion now? Injustice to Ireland is what you proclaim,—our rights, not more, but not less, is our answer. A late publication calls on us tauntingly to make out a list of our grievances, and they will discuss them with us. Our answer is not written in books, but in every feature of our country—go and read them there. Is it not enough that Ireland is what it is? The very barbarism of which you complain is in itself as foul a blot—as merited a stigma as any which the bitterest hatred could fling upon you. It says, in language which is unanswered, that you—you, who boast in the face of Europe, that your institutions are all-civilizing, all-subduing—you, who vaunt to be the Promethei of new men wherever your touch is felt—here is a country—yours for centuries—yours entirely—yours in every change—open to all your experiments—and what have you made it? Ask Europe, ask history, and they will answer. We ask for justice; other nations so treated would have asked for vengeance. But I am sick, not to hear the taunt, but to reiterate the demand. Events will do for us that which our strength could not do; and with England and Scotland at our side, it will be strange if you refuse us with impunity. This is strong language, but I have a right to speak it;—I am no alien, nor ever will brook to be termed so; the blood in my veins is as Saxon—aye, and as much British as in that of any of our revilers—so also are my feelings. It is not this air I breathe, nor this beam above our heads, nor these sticks, nor these stones about us, that attaches this country—this Britain to our thoughts and hearts; but those noble institutions which have been our glory and our power—this moral might of freedom and justice, which clothes us, like the Roman of old, with the majesty of this empire, wherever and however we travel. I speak the language of Milton and Shakspeare as you speak it, and am of the land which has placed beside you heroes—heroes great in arms, in titles, to all that makes the height of human dignity and power to man. Never, then, will I yield, be the consequences what they may, any share in this my birthright, for it is mine, as well as yours. I take it not by concession or grant, but as a well-purchased, dearly-fought-for inheritance. I said I had a right to speak—judge yourselves. I am not one who have struggled in all seasons in agitation. I never spoke in or out of this House a word which was not my conviction. I have given proof stronger than words of my sincerity. A word would have placed me in the representation of Tipperary or Waterford—that word was Repeal. I refused it, for I could not lie to thousands any more than to one. I was severed from friends, from popularity, from all chance of honourable ambition, but I held my conviction untainted—my conscience was untouched. In the same sincerity as then I now speak to you, I entreat you to unite us in deed as well as word. I then said, as I say now, wait a while, an Imperial Parliament there must be, but it can only rest on local government beneath and around it. If I had not that hope, that certainty, how could I have spoken—where would have been my faith? That pledge I call on you to redeem. Believe not that you may refuse it with impunity. Trust not to your permanency. I know of nothing permanent in politics—nothing where nations are concerned, but change. Institutions may crumble, and the ascendancy of one day yield to the ascendancy of the other; but the masses cannot pass away. Read history, and read it to act on it—your own will tell you striking, but useful truths. Kings have been dethroned, the Lords voted useless, but the Commons of these realms are indestructible and immortal.

Mr. *Praed* said, it was once an honour and a satisfaction to be engaged with an adversary who, like the hon. Member for Waterford, acted fearlessly on his own notions of right and wrong. In a contest with such an adversary victory must be without exultation, and submission without shame. He gave the hon. Member for Waterford credit for sincerity in the views which he had expressed to the House. They had been told by the hon. Member, that if the measure of the Government was rejected the cry for municipal reform would not cease, but it would be coupled with a cry for reform of the House of Lords, and the hon. Member had expressed himself on that subject in terms loud and strong. To Gentlemen of the country to which the hon. Member belonged—much on account of a prevailng feature in the national character, and partly on account of a warmth of feeling which, on such a subject as this, was to be expected from them—it was conceded that they should use stronger language than might be expected to fall from other Members of that House. But from an English Member he had looked for much solid and grave argument on a question which confessedly involved consequences so important to the national welfare. The hon. Member for London had disappointed those expectations. He could understand that an Irish Member who represented all the warmth, as well as all the wisdom, of Ireland, should use expressions such as that the House of Lords was opposed in spirit to the people, that they did not care for the people, that they must be reformed as the Augean stable was reformed, and that when on another occasion it was proposed to turn the river through the House of Lords, the reply was that it would be better to turn the House of Lords into the river; such expressions as these he could understand coming from an Irish Member; he could understand that hon. Member when he represented the House of Lords as the spirit of evil in the Constitution; but he could not comprehend the propriety of such expressions when falling from an English Member. He would submit to the hon. Member for London, who had condescended, in discussing a grave constitutional question, whether it were proper to use language such as no English Member ought to have used on any subject. The hon. Member had called the House of Lords a herd of swine, and had alluded to a noble and learned Lord as their driver. He submitted to that hon. Member whether the question of the reform of the House of Peers, ought not to be brought forward in a specific and Parliamentary form, and not in a manner calculated to excite the passions and prejudices of the people, and in language unworthy of a Member of Parliament, either in that or any other House. But the hon. Member for Waterford had said, that the cry for reform of the House of Lords might be expected if this measure was refused. Then it became proper that they should proceed to consider what was the real position in which that House was placed as regarded the House of Lords. Hon. Members on his side of the House, entertaining all that respect for the other House that the Constitution prescribed, held that the amendments made by the House of Lords in this Bill, were recommended not only by their intrinsic excellence, but also by that deference to the opinion of the House of Lords which was consistent with the Constitution. It was natural that hon. Members on the other side of the House should not only condemn those amendments, for what they believed to be their intrinsic defects, but also because they originated in that House, towards which they entertained such strong sentiments of dislike. This being the state of feeling on both sides, and if it became necessary to contemplate the question of reform of the House of Lords, it became desirable to inquire by what means, supposing the difference of opinion to be irreconcileable, under the provisions of the Constitution the difficulties could be overcome. Now it was a necessary ingredient in the constitution of the House of Lords, that it should change from time to time by the introduction of fresh members; and the question was, whether the class of society out of which were generally selected the individuals raised to the Peerage, was of such a way of thinking as to render it impossible that in the course of years the House of Lords would become re-organized and changed in feelings, in the same degree that the same change would have operated in the class from which they had been taken. If this were denied, and if it were granted that the feelings of the class in question were so opposed to that portion of the constituency of the country represented by the House of Commons as to render it impossible that the feelings and views of the House of Lords could be so radically changed as to bring them into conformity with those of the House of Commons; then, he maintained, that the great political difference which existed ought not to be represented as a difference existing between a certain number of the Members of the House of Lords and the people, but the situation of parties ought fairly to be stated as a total opposition of the whole of the upper class of society to that portion of the people represented by the House of Commons. But this was a dangerous admission to make, and as no adequate remedy had been suggested he was disposed to wait for the operation of the natural and constitutional causes, in order to work a change in the House of Lords by the gradual infusion of fresh Members from the upper classes of society, and for a change in the feeling produced in the country by the Reform Bill, and which was rapidly dying away. He would not follow the hon. Member for Waterford in many of the subjects he had adverted to. He would not enter into the circumstances which attended the passing of the Reform Bill or of the Catholic Emancipation Bill, although he thought that the effect of the passing of those two Bills had taught the Legislature a most important lesson. It had taught them, that there had been a want of prudence or of foresight in those by whom the introduction of those measures had been enforced. It had told them that a blunder had been committed, for that the measures had not effected the object to accomplish which they were introduced—that they had not prevailed to mitigate the feeling of discontent in Ireland, or to reconcile the people of that country to the Government of the empire. Nor should he follow the hon. Gentleman in his travels through different countries of the continent in search of municipal institutions, for he could not but think that there were circumstances—peculiar circumstances—in the situation of Ireland, as regarded this country, which rendered the example of other countries not similarly situated of no possible importance to the Legislature of Great Britain. Those circumstances were, that the inhabitants of Ireland were divided into a majority and minority peculiarly and singularly situated—a majority poor, uneducated, mistaken, in point of religion: a minority confessedly educated, and loyal in politics. [*A laugh.*] He knew what that laugh meant. He said loyal, because, notwithstanding the universal disappointment of their own views, they still desired to continue their adherence to the Union and their loyalty to the Crown. A majority and minority thus constituted were set against one another in a virulence of hostility not to be found in any other country; and, moreover, there was the fact that this minority had been maintained in a most undue supremacy, while the majority had been reduced to what he admitted to have been a most unworthy subjection, and that the question now was, not whether they should remove as well the supremacy of the minority as the subjection of the majority, but only whether the subjection of the majority should be changed to a not less bitter subjection of the minority. That was the real question. Both Houses were agreed that it was wise to abolish the supremacy of the minority. It was asked, on the other side, why were not the Protestant Corporations left untouched? The reason was, that they (the Opposition) wished that there should be no supremacy of the one sect or of the other. They were asked for equal laws for Ireland with those of this country; but was it doubted, for one moment, that all legislation ought to be adapted to the particular wants of the society for which it was to operate, and to the circumstances of the time at which it was to take effect? In 1817 the Six Acts were passed, but when a motion was made to extend the provisions of one of them—that which related to seditious meetings—to Ireland, that motion was immediately negatived on the ground that Ireland was so tranquil as not to require the operation of such a law. Again, it was only three years since the very Ministers who now called for justice to Ireland themselves introduced an arbitrary measure into that House, the effect of which was to destroy the right of trial by jury, and to hand over the people of Ireland to the tender mercies of the court-martial. Yet the agitation which then prevailed in Ireland arose from no other cause than that the people of that country were expecting to take by force that Church property which the Legislature had since sought to confer upon them. But was there at that time any attempt to transfer that Act to England? It would have been absurd. He might perhaps be told that the provisions of that Act were intended to be temporary only, and they had already been told so. An observation had been made, which was as true as it was pointed, that legislation was for a time, the people for eternity. But the Peers did not mean their present legislation to be more permanent than circumstances required. On the contrary, they desired to see the people of Ireland exercising those rights which had already been granted to the people of England and Scotland, so soon as the state of the public mind in Ireland should be such as to warrant its being supposed that the concession of them would be a benefit and not a mischief. He felt that he was justly entitled to refer to their limited experience of the working of the English Municipal Corporation Act, in order to show that, as many parts of that Act had operated in a manner totally different from anything intended by its framers, if he had rightly represented the state of parties in Ireland, still worse effects would result in that country than had occurred in this. He particularly referred to the exercise of the trusts vested in the town-councils, and the mode of their election. The town-councils were elected by a majority of the constituency, and the consequence was that, in places where parties were very nearly balanced, and very highly excited, the town-council was wholly composed of partizans of the one side or the other. The patronage in such towns had been distributed for political purposes, and in total disregard of all principles which should have regulated their conduct. He would mention an instance of this. It had occurred at Yarmouth, and he had a personal knowledge of it At that place political feeling prevailed to a very great extent, and parties were not very unequally balanced. At the last election the Tories were successful. He understood to what that laugh referred, but he would not be diverted from his course by it. The numbers of the two parties in the town were nearly equal. There were thirty-six members of the town-council, of whom only one was a Tory—the remainder were Radicals. Under the old system there were eight watchmen for the town, three of whom only were voters. Under the new system sixteen had been appointed—all Blues, and every one a voter—five of whom had been examined against the Tories on a committee up stairs, and one of whom was the single witness who ventured to assert that he (Mr. Praed) had, with his own mouth, offered him a bribe (a statement which, although somewhat irregularly, he took the opportunity of contradicting). The Attorney-General was afraid to make use of that witness as the supporter of a prosecution, and he was afterwards expressly disbelieved on his oath without allowing the counsel for the defence to go into his case. Here, then, was an instance which had fallen under his (Mr. Praed's) own personal knowledge of the manner in which the patronage vested in the town-councils had been exercised. Was it not reasonable to suppose that in Ireland, where the same objections existed in a still greater degree, the effect of the same power being intrusted to similar bodies would be worse. Why, in a Bill which had recently been introduced into that House, under the auspices of the Government, the principle for which he contended had virtually been recognised; for in the Bill for the appointment of the trustees of charities in Ireland, a provision was made against that unanimity of opinion in the majority preventing the minority from being represented at all; and he must say, therefore, that if his Majesty's Ministers had in this instance recognised the evil of the principle which regulated the election of the councils, the same objection ought to be extended to the elections of town-councils in Ireland. They were called on by the hon. and learned Member for Kilkenny to do justice to Ireland. He did not quarrel with the expression; but he could not see how the call could consistently be made by the hon. and learned Member. A friend of his, an Englishman, had been present at a meeting at Limerick, at which the hon. and learned Member had made a most eloquent speech on the miseries of the people of Ireland. The same Gentleman had, in the course of the day, had an opportunity of witnessing, in company with a priest of the Roman Catholic persuasion, places where he had seen more misery than it had ever been his lot to witness anywhere. After the meeting (which was on the subject of the poor-laws), he suggested the desirableness of a subscription, by the 800 gentlemen present, on behalf of the unfortunate beings whom he had seen in so much misery; but he was answered, that it would not succeed if it were proposed, for that such a mode of dealing with the question was not popular. But the Peers did not feel themselves called on to do justice to Ireland in the manner proposed by the hon. and learned Member, more especially when they were told by him that he wanted the establishment of municipal Corporations, not for the purposes of lighting and paving, but as normal schools of agitation. They were of opinion that it was in schools of a very different kind that the people of Ireland ought to be trained, that they ought to be graduated at colleges of a very different description. They wished the welfare of the people of Ireland to be secured, their commerce to be improved, and their wealth to be increased, but they did not wish to give additional means of exciting disaffection, and of injuring the people. The hon. and learned Member for Kilkenny talked about justice for Ireland; but they told him at once, that if they could not do justice to that country without creating fresh instruments for his purposes—if they could not suppress agitation without opening the door to that which, in his apprehension, would be a still greater pestilence—they would infinitely rather leave the matter as it stood than make any change whatever in the present system. Now let him put to the House the case as it really existed. It had been stated on all hands, that the present corporation system of Ireland was full of abuse; and no one had been louder in denouncing the mischiefs of that system than the hon. and learned Member for Kilkenny himself. Well, a Bill had come down to them for the removal of this abuse, and what did the other branch of the Legislature in that Bill propose? Why, to abolish Corporations in Ireland altogether, and place the whole of the powers now exercised by those bodies in the hands of the present Lord-Lieutenant in whom it could not be said by hon. Gentlemen opposite they could not safely be vested. This was the proposition contained in the amendments of the Lords; and although the hon. Members opposite had complained of the mischiefs arising out of the imperfections of the present Corporations, they refused to accept it. The question therefore before the House was, whether they would adopt a measure which would abolish that which had been protested against by the hon. Gentleman opposite as unjust and illegal, or whether they would retain the old system with all its evils, because they were not in a position to do all the good they could wish to effect. The course which the hon. Members opposite wanted them to pursue would, in his humble judgment, be neither agreeable to the House of Commons, consistent with their duty as representatives of the people, nor consonant to the trust which had been reposed in them.

Viscount *Ebrington* would not follow the hon. and learned Gentleman who had last spoken through all his various matter, nor enter into any discussion with him as to the working of the English Corporation Reform Bill in the particular place which the hon. and learned Gentleman represented. He could assure the House, that in the few observations he had to make he should confine himself strictly to the subject before them; and he would add, though he could not share with the hon. and learned Gentleman the deference which he had expressed to the amendments of the other House, he should at least abstain from anything like vituperation of the authors of these amendments. It was his feeling that the language of both Houses, in reference to each other, should be that of respect and conciliation; and however freely he might discuss the measures emanating from the other House of Parliament, he should always think it incumbent upon him to speak in terms of respect of the authors of these measures. In the course of the debate, nearly every hon. Member on the opposite side of the House had enlarged upon two topics in reference to the subject before the House—namely, the hon. and learned Member for Kilkenny, and the Repeal of the Union. It was not his purpose to enter into a vindication of the hon. and learned Member from the taunts which had been so plentifully thrown out against him, nor should he enter into any discussion as to the Repeal of the Union, a proposition of which he was one of the very last men in the House who could be charged with being a supporter. At the same time he must say, that with the opinion he entertained with respect to this Bill as it now stood, he felt that if he could conceive it possible that such a measure should pass into law, though he did not say that even such a result would make him the friend or supporter of repeal, yet he would say that such a measure, if it were passed into a law, would afford full justification for the language of those who should say that such an Act presented sufficient grounds for demanding repeal. He was old enough to remember something of the grounds upon which the Union was proposed, of the arguments by which that measure was enforced, and of the great principle upon which those arguments were grounded. That principle was equal laws, equal rights, and equal participation in all the blessings and advantages of the English Constitution. This was the principle which pervaded every sentence of the powerful and eloquent speech delivered by Mr. Pitt in 1800, on the occasion of proposing that measure to the House; and he could not help recalling to the House the words in which that great statesman concluded one of the most eloquent passages of his powerful address, and which appeared to him peculiarly applicable to the circumstances under which a participation in the tried advantages of English Corporation Reform was now sought to be given to Ireland. Mr. Pitt, after happily combatting the argument which had been raised upon the insult which it was alleged would be inflicted upon the national pride of Irishmen, in depriving them of an independent legislature, proceeded in these words:—

> "If there be a country which, against the greatest of all dangers that threaten its peace and security, has not adequate means of protecting itself without the aid of another nation; if that other be a neighbouring and kindred nation, speaking the same language, whose laws, whose customs and habits are the same in principle, but carried to a greater degree of perfection, with a more extensive commerce, and more abundant means of acquiring and diffusing national wealth; the stability of whose government—the excellence of whose constitution, is more than ever the admiration and envy of Europe, and of which the very country of which we are speaking can only boast an inadequate and imperfect resemblance;—under such circumstances, I would ask, what conduct would be prescribed by every rational principle of dignity, of honour, or of interest? I would ask whether this is not a faithful description of the circumstances which ought to dispose Ireland to a union?—whether Great Britain is not precisely the nation with which, on these principles, a country, situated as Ireland is, would desire to unite? Does a union, under such circumstances, by free consent, and on just and equal terms, deserve to be branded as a proposal for subjecting Ireland to a foreign yoke? Is it not rather the free and voluntary association of two great countries, which join, for their common benefit, in one empire, where each will maintain its proportional weight and importance, under the security of equal laws, reciprocal affection, and inseparable interests, and which want nothing but that indissoluble connexion to render both invincible?"

"Non ego nec Teucris Italos parere jubebo,
Nec nova regna peto; paribus se legibus ambæ
Invictæ gentes æterna in fœdera mittant.'

Such were the sentiments delivered by Mr. Pitt, in introducing the measure for the union of the two countries, and such were the principles upon which the union was founded and carried into effect. What, he would now ask hon. Members opposite—what would that great statesman, if he could return now upon earth—now that that measure had been thirty-five years in operation—what would he say if he could hear those ill-omened words which had been so often alluded to in the course of this debate, what, he would repeat, would Mr. Pitt have said, if he could have been told that these words were applied to Ireland by the leader of the Conservative party in one of the Houses of Parliament—by the leader of that party who affected to act, as far as possible, upon the principles and upon the model of Mr. Pitt? What would that great statesman have said if, immediately after the period at which the abuses of the Municipal Corporations of England had been reformed, and when those Corporations had been rendered subject to popular control, and after the Corporations of Ireland had been denounced as fraught with abuses still more intolerable and still more grievous than those of England had ever been—what would he have said if he had been told, that the only means to be offered to Ireland for getting rid of those abuses, was by destroying altogether every vestige of municipal government in that country, and by investing the whole corporate power and authority of Ireland in the hands of Commissioners appointed by the Crown? Would Mr. Pitt have considered such a proposition as accordant with the great principle upon which the Union was founded, namely, that of the junction upon equal terms, of two countries into one great empire? Would he not rather have pronounced it an insult and a degradation to the whole Irish nation? He (Lord Ebrington) would ask the noble Lord and the right hon. Gentleman on the opposite bench, whether, in case the consequence of this difference between the two Houses upon this question should be a change in the Ministry, whether they really thought it would be possible for them or any other new Ministry to carry through this measure as it stood? He would ask them whether they thought that, with the feeling which existed with respect to this measure as it stood in Ireland, it would be possible to apply it to that country without the aid of force and coercion? He would ask them whether, in the present state of public opinion in this country, they really conceived that the people of England, by their representatives in Parliament, would consent to apply the force and coercion which would be necessary to enforce such a measure upon Ireland? He was well assured they never would. He, therefore, felt extremely sorry that the considerable and respectable minority constituting the noble Lord's and right hon. Gentleman's followers in that House, and the majority in the other House, should have taken their stand upon a question which he considered to be at once so insulting and so injurious to Ireland, and which he was quite sure was altogether repugnant to the general feeling of the people of this country. When he first saw the amendments, as they came down from the other House, it certainly had appeared to him that no course was left to the House of Commons but to reject them altogether. At the same time, he was free to confess, that he was heartily rejoiced at the step taken by his noble Friend; at the wise and temperate course he had adopted, of trying, at least, how far he could advance on the road to conciliation, consistent with the great principle to which the Government and the vast majority of the House stood nominally pledged. He in no degree underrated the mischiefs which would arise from a collision between the two Houses of Parliament, and he had always, here and elsewhere, maintained the right of each branch of the Legislature to perfect independence in the discharge of their duties in reference to every measure which came before them. He could not, however, but regret that the sentiments of each House should be found so much at variance upon a measure which, if not adopted, left no alternative except a continuance of abuses which on all sides of the House were denounced; for he should prefer the temporary continuance of the present system to any attempt to force upon the people of Ireland such a measure as that which had been substituted for the Bill brought in by his right hon Friend the Attorney-General for Ireland. by the amendments of the other House. He had spoken warmly upon the subject, because he felt strongly. He should vote for the original proposition.

Mr. *Horace Twiss* thought, that if any one thing more than another showed the necessity of that useful rule of the House which had been established against introducing allusions to what passed in the other House, it was the course taken in the present debate; because attacks had been made upon particular speeches from time to time, to which it was impossible for the noble personages impugned to offer any reply, or give any explanation of the words attributed to them. But all the inconvenient results of that course must fall upon the heads of those who had thought proper to indulge in such attacks. The noble Lord who had just addressed the House, had not been content with the usual strain of condemnation, poûred out upon those who opposed him, but he had evoked from the shades of the grave one of the greatest statesmen England had ever produced, in order to convert his recorded eloquence into a weapon against those who did not think fit to support the course taken by the noble Lord, the Secretary of State for the Home Department. But was it not the constant practice of the hon. and learned Member for Kilkenny to inveigh against the English people, not merely as usurpers and tyrants, but as Sassenachs? The hon. and learned Member might be justly called the originator of the offensive expressions, if to describe others as aliens were offensive. Hon. Gentlemen on the other side of the House had been in the habit of stating that seven centuries of misgovernment had brought the population of Ireland to a state of comparative barbarism in some respects, and absolute ignorance in others, and therefore they had called upon the House to provide, not from the ordinary funds of the State, but from the funds of the Church, means to check and remove that ignorance and barbarism. Now, it was upon the very fact which those hon. Gentlemen thus admitted, that he said corporate rights ought to be exercised only by men who had arrived at a state of intelligence and civilization, which would render them capable of appreciating them. The hacknied cry of "justice to Ireland" had never been properly explained. Must that which was justice to England necessarily be so to Ireland? Would any sound constitutional lawyer tell him that there was any thing in the common law of the land to give the right of exercising the corporate franchise to any town whatever? He wanted to know how it could be shown that because British subjects had a right to trial by jury, the Habeas Corpus Act, and the Parliamentary franchise, that also they had a right to corporate reform; for that ought to be the basis of the reform which was demanded. Did it follow that because corporate franchise had been given to England and Scotland, it should also be given to Ireland? Was there any similarity between the cases of the respective countries? Were England and Scotland, when they received their corporation Acts, under circumstances similar to those of Ireland now? Was it not necessary to pass an Act which was sometimes called the coercion Bill, and at other times the Bill for the preservation of the peace in Ireland? Was such an act necessary in either England or Scotland? He would ask the hon. Member for Tipperary were he in his place, but in his absence he would ask the House, whether clergymen were escorted to Church by a guard of police or military in England or in Scotland. Did not the House recollect that, at no very distant period, the Secretary of State for Ireland, now Lord Hatherton, reported to the House that the average number of murders in Ireland was two per day? With these facts before them, he called upon them to consider the probable results of putting power into hands so ill prepared to exercise it. The hon. and learned Member for Kilkenny had told them fairly and explicitly that discretionary power was wanted, but he had not fully explained what he meant by it, though no man was better able to do so; because when it was discreet to be discreet, no man could be more discreet than that hon. and learned Member; but when it was discreet to be rash, he was among the rashest of men. But was it not the object of that hon. and learned Gentleman in his present discretion to establish schools of agitation? Was it not intended to extend the flame of agitation from one man to another through the whole mass of society? If not, would the hon. and learned Member consent to the insertion of a clause into the Bill to limit the discussion of corporation meetings to local affairs? No, he would not do that; and yet, to take him at his word, that would be the sort of Bill which he ought to receive. But the House had been told, that the great principles of charity ought to be carried out. What was meant by that? He did not ask that question in the spirit of hostility. He was anxious to contribute any little aid in his power to pacify, rather than to irritate parties. What other objects could he have in view? From his earliest appearance in that House, he was the supporter of the question of Catholic emancipation. He was one of those who in former times were threatened with all the dangers that now appeared to be approaching them, and yet he was bold enough to support Catholic emancipation, being assured by its advocates that if it were granted peace would follow, and that the concession of political equality would destroy agitation. Having, then, been one who supported a liberal policy towards Ireland, ought not those who called upon him to support this measure to tell him definitively how far they intended to go, after what had followed the passing of the Catholic Emancipation Act? He might be told, that Catholic emancipation was carried too late. Perhaps there was too much reason to regret that it had been carried at all; but of this he was quite certain, that the corporate franchise was asked for too soon. He contended that the people were not ripe for it, for the advocates of the measure itself admitted that the population was not in a condition to appreciate it. The justice which they demanded for Ireland was in reality injustice both to England and Ireland. It might be an act of justice to relieve the people of Ireland from the burden of these Corporations entirely, but was it just to give them instead a set of irresponsible and exclusive Corporations? It was not to be said that the people of Ireland were to be excluded from the exercise of the corporate franchise because they were Catholics; no, but because they were not free agents. It was well known that every election of a parliamentary representative was a religious struggle carried on under the direction and influence of religious teachers; it was, in fact, perfectly ridiculous to attempt to deny that the political movements of the people of Ireland were entirely under religious control. He confessed, that he had been struck with astonishment by the concluding passage of the speech delivered by the noble Lord, the Secretary of State for the Home Department:—"The first cannon ball fired in Europe will be the signal for retracting all your denials, and making that concession, and doing that justice in your need which you refused in the hour of your glory, and in the day of your strength." It was for the noble Lord to judge how far such sentiments as those were prudent; and how far the utterance of such suggestions was fitting and becoming a minister of the Crown. As to how far they might be useful to the hon. and learned Member for Kilkenny, that was another question; but it was most strange that His Majesty's Secretary of State should suggest to the people of Ireland, that when the country might have to ask their assistance against some common foe, they should draw the broad claymore, of which so much had been said, to wrest by threat or main force that which they were not able to obtain by reason and sound argument. The noble Lord's argument, however, went too far; for if the present measure must be inevitably conceded, so must any other demand which the hon. and learned Member for Kilkenny might think proper to make at any time. The noble Lord's argument went to show, that not merely must the House, at the command of the hon. and learned Member for Kilkenny, grant Municipal Corporations to Ireland, but surrender also any alleged or imaginary surplus of the Irish Church, and hereafter not only the overthrow of the fund itself, but of the fabric through which it was created, and thus sweep away the Protestant Church from the face of the land. Ay, and it showed that his Majesty's Ministers were always in danger of that weapon which the hon. and learned Member for Kilkenny always carried about him, half-cocked, and ready to fire off against them, if they refused any demand he made—namely, the Repeal of the Union.

Mr. *Gisborne* hoped the House would not be led, by the extraneous nature of the several matters which had been introduced into the debate, to depart from the consideration of the real question before it, which was, whether or not they should agree to the alterations which had been made in this Bill in another place. These alterations were totally destructive of the principle of the Bill as sent up to the other House, and were a studied insult to the people of Ireland. They proposed to destroy all the municipal rights and institutions now existing in Ireland; and on what ground? Why, because a great portion of the Irish people professed a particular creed. The Lords might have done the business in a much shorter way. They could at once have distinctly stated their object in the preamble in some such words as these:—"Whereas it is important to maintain the exclusive system which at present exists in Ireland; and as three-fourths of the people of that country are unfit to be intrusted with municipal privileges in consequence of their being Papists," &c. That was the principle which ran through and governed every enactment of this altered Bill. Because the majority of the people of Ireland were Papists, they were not fit to enjoy municipal rights, or fill the offices of mayor, sheriff, or butter-taster. He would not appeal to the justice of those who supported the amendments. He would not appeal to their charity or toleration; he would merely ask them, did they suppose they could contend against a whole nation? He did not suppose it was the intention of those opposite to compel his Majesty's Ministers to abandon the Government, unless they could show that they themselves were prepared to take office with a likelihood of success. Upon what principle did they propose to proceed, should they come again into power? Was it the principle held out by an important organ of that party, namely, *The Quarterly Review?* There was a time when an acquaintance with polite literature was supposed to soften and humanize.

> "Ingenuas didicisse fideliter artes,
> Emollit mores, nec sinit esse feros."

But the *artes ingenuæ* had produced a contrary effect upon the writer from whom he was about to quote. In the last number of *The Quarterly Review*, the organ of the party opposite, was the following passages—

> "Why has not Mr. O'Connell, who, like Hotspur's starling, speaking nothing but Mortimer, scarcely utters any sound, in or out of Parliament, but "justice for Ireland;"—why has he not been formally called upon to make out a specific list of the grievances he affects to be lamenting? The substantial justice which Ireland has long required, was ten years' subjection to martial law, under such an officer as Cromwell, whose strictness and impartiality would have thoroughly habituated the country to peace and good order."

Was that the principle on which the Gentlemen opposite were prepared to govern Ireland? Would they so conciliate those "aliens in blood, in language, and religion," on the other side of the Channel? The hon. Member for Sandwich, argued that "aliens in blood, religion, and language," did not mean what the words expressed. Perhaps the hon. Member would also undertake to prove that martial law did not mean anything harsh or tyrannical. If the sentence which he had read were in accordance with the opinions of Gentlemen opposite, they would no doubt concur in the passages which followed,—

> "A course of discipline of this sort would soon put an end to the murders in Tipperary, and the turbulence of fathers M'Hale, Kehoe, and Maher, for ever."

And in this passage,—

> "It has long been the misfortune of Ireland to have institutions forced upon it in imitation of those of England, for which it was obviously unfit. The justice which Mr. O'Connell and his followers want is of a very different sort."

Were hon. Members opposite prepared to agree in such atrocious doctrine?—if not, by what measures did they propose to tranquillize Ireland, if they should succeed in returning to power? He would not call this language an unnecessary and gratuitous insult to the people of Ireland, but it was a very equivocal sign of affection, and not calculated to show a leaning towards indulgence. Allusion was made, last night, by the hon. Member for Sandwich, to the power of the Lords. The hon. Gentleman asked, whether the Lords were to have no voice or power over the questions sent up to them from this House? Nobody ever dreamed of denying the rights of the House of Lords; but if they insisted upon a rigorous exercise of their extreme rights, the House of Commons would be driven to the assertion of its extreme rights also. That House—it was unpleasant to be driven to a discussion of the rights of the two Houses—but that House had a peculiar power of enforcing its own wishes. The right hon. Gentleman opposite declared, on a recent occasion, that the powers of the State must be ultimately vested in the majority of the House of Commons; and he said truly, for that House possessed the means to assert its opinions. It was not wise in the advocates of the Lords to compel such discussions as these, by insisting on their extreme rights. They could reject any measure sent up to them from the Commons, but it was to be hoped that they would not drive the Commons to exercise the power they possessed. He had no doubt of the ultimate result of the measure. The principle of the Bill, as sent up to the Lords, had been twice affirmed by the Commons, and yet that House was called upon—ungraciously called upon—to give up a principle which it had twice affirmed. Neither the majority in that House, nor the Ministry could recede from that principle without disgrace; and even though that majority should not be increased by an appeal to the people, it must prevail against the minority, backed although it be by a large majority in the other House. He did not think it possible for a political party to occupy a position so weak as that now held by the hon. Gentlemen opposite. The very arguments they used for the assumption of corporate property, and the abolition of vested rights and charters, were calculated to outrage the feelings of a large body of their own supporters. If the hon. Member for Oxford (Sir R. Inglis) were in his place, he would call to his recollection the arguments that had been used on the other side of the House, and show him that they were applicable to every one of the colleges of that ancient and venerable institution of which he was the representative. He would remind the hon. Baronet that the principle contended for would bring the vested rights of that institution, her right to her honours, with her imaginary right to her property, which ha been powerfully said by the right hon. Gentleman to be protected by the broad shield of prescription—these would be brought by the principle of the hon. Gentleman opposite, to the bar of public opinion. Well, then, the hon. Gentleman opposite having thus shocked the feelings of a large body of their own supporters, they propose to proceed next to insult three-fourths of the population of Ireland. What hope of success had they in pursuing such a course? When they were asked for a general law, they would give a partial law—when they were asked for municipal corporations, they would give armed garrisons—when they were asked for watchmen, they would give sentinels—when they were asked for impartial justice, they would give drum-head courts-martial. He was confident of ultimate success, and he hoped no Gentleman would compromise the character of the House to avoid a temporary difficulty.

Mr. *Henry Grattan*: The right hon. Member for Tamworth says, that on that subject allowance must be made for Irish feeling. We do not require it; but he requires that allowance should be made for his insensibility. The case of the corrupt voter at Tamworth occupied his speech much more than the rights and privileges of the people of Ireland. Sir, it is difficult to know where to begin, still more so where to stop; and I know not whether I am to address you as a free citizen or as one belonging to an inferior and disfranchised class. I have heard of individuals being put out of the pale of nations — one great and distinguished leader was put out of the pale of a nation, but the proscription of entire communities is a new idea. This Bill, Sir, is an insolent, ignorant, fraudulent, and tyrannical proceeding; it carries falsehood at its outset. Its title is a Bill to abolish Corporations, yet it studiously and craftily preserves them, and it offends Ireland by introducing in the first paragraph the passage regarding the police, as if that were to be the sole mode of governing Ireland. Those who have defended this Bill display great ignorance of Irish history; they represent these Corporations as enrolled for party or political purposes—not for the good government of the towns, and the care of local concerns, but for political and religious views. Sir, if they had examined history—if they had read Doctor Lucas's work on Corporations, or even if they had read the Reports of the Commissioners, they would have found that thirty-six of those bodies existed long before the Reformation, and that the chief and largest of them date from the reign of Henry 3rd; but it suited their design to misrepresent the fact, and to give a religious character to bodies that existed long before Protestantism was thought of. With respect to the Bill as returned by the Lords, it not only does not abolish Corporators, but expressly provides that at the end of the present year all the old Corporations are to remain in, and are to have the disposal of the local and charitable trusts. These amount to very considerable sums; and to whom are they intrusted? Why, to the very men whom you on the opposite side have condemned as dishonest; yet you vest in them the power of disposing of those large sums of money, and all charitable trusts are placed under their direction and control. Do you know the amount of property which you propose to place at the disposal of seven individuals under the name of Commissioners? When I see the word "compensation" introduced into the Bill, I cannot persuade myself but that the framer of it had an eye to the 74,000*l.* which was awarded to the citizens of Dublin. Do you know that, by these amendments, it is proposed to give to seven individuals discretionary power over a property little less than 400,000*l.*?

There are four towns in Ireland possessing a corporate income of 127,000*l.* In the lesser towns, Drogheda has 13,000*l.* or 14,000*l.*, others have upwards of 12,000*l.*; is property to such an extent to be vested in seven individuals? I wish to know what must be the feelings of the people of Ireland when they read your speeches, hear your charges, and behold your condemnation of those men, and yet find that to their hands has been committed the cause of charity, and the care of the widow and the orphan. You declare them to be peculators—convicted plunderers, and yet to them you intrust the helpless and unprotected. Shall this be tolerated—can it be listened to for a moment; and will the people of Ireland patiently submit to it? Where were the Bishops, where were the pious protectors of the poor, when this clause was proposed? Why did they not protest against such a junction—against such an adulterous connexion? Virtue and vice are to go hand in hand, and the public robber is to become the guardian of the poor man's property, and is to relieve those wants he was insensible to before—and where the offences of him who was to distribute were as great as the sufferings of those who were to receive. This is one of the many outrageous parts of this insolent legislation. Have Gentlemen considered not only the large sums thus abused — the growing and increasing amount of these sums under their chartered and local trusts, amounting in five places alone to near 130,000*l.* a-year? Have they looked to the vast share of patronage vested in the Crown—the officers, the courts, the clerks, the attendants, collectors, and a horde of appointments?—sheriffs, coroners, magistrates, recorders, judges, registrars, clerks, collectors, commissioners, trustees, and an army of dependents, all with salaries, and places, and pensions, which in the course of a short time would make, including other costs, a sum of near 400,000*l.* a-year, and all forming in one irresponsible officer a mass of power and influence that any lover of liberty must abhor, and raise not only his voice but his arm against. No matter whether exercised by Whig or Tory — no matter whether conferred upon Whig or Tory — I say it constitutes so formidable and dangerous a power, that, along with that possessed already by the Lord-Lieutenant, there will be created a complete and unqualified despotism. Sir, I say that no free people ought, and that Ireland will not submit to it. This is a measure of tyranny as well as insult, and we shall resist it at every hazard. The question you have to decide is not one of detail—it is short, it is plain, but it is important; it is a question of union or no union. I do not mean that paper union that lies on the statute book, but a real living union of affection. Without that your parchment unions are worth nothing; you must have the heart of Ireland, for without that it is not worth preserving. Now, what are the steps you take to secure it? We heard to night some abuse and much invective cast upon the people of Ireland; they were represented as unfit or unable to manage their own local affairs. The answer to this charge is your own conduct, for even in the Tithe Bill of the right hon. Member for Cambridge, he introduced the middle classes in Ireland to inspect, examine, and control the money paid by the people; and the cess payers, under his Composition Bill, assembled and voted, and even to females the right of voting was extended. In the Grand Jury Bill the popular control was introduced; and in the County Board Bill brought in by an hon. Baronet, the introduction and interference of the people and their control is admitted and proved, therefore the charge against the Irish people is proved by the acts of this House to be unfounded. The people of that country were represented as ignorant, uneducated and turbulent; such charges deserve no answer, and coming from the quarter that they do, will be met with the contempt which they merit. But there is another and a graver charge; the people of Ireland have been characterised by a noble Lord as "aliens in descent, aliens in affection, speaking a totally different language, of totally different custom and habit, and professing a totally different religion from you." Aliens in descent appears to me to be a blundering phrase, and would so be called in Ireland, but here it suited the purposes of the noble Lord, and those words were heard without laughter which generally termed the Irish aliens in their native land. The charge is absurd—it is false; but if it were true, who made them so? You, you—that very party whom the noble Lord of late has joined; your bad government made them hostile, as tyranny always will make men hostile, and render a proud people resolute in their pursuit of freedom. They are not hostile to you, but they are hostile to your bad government, and they will continue and increase in their hostility to such government, until you give them full, fair, equal, and impartial government—a system such as yours, without any other distinction among persons or classes, but such as attach to worth, and honesty, and merit. We ask for that equality. We say that Ireland was promised it. We call for it now, and we repudiate those insolent phrases, and those libels upon the people. The noble Lord (the ex-Chancellor) was heard to say that those aliens were men of different habits and different customs from the people of this country. Certainly, Sir, in some respects this is true. The Irish have different habits—they neither sell their wives, nor allow their wives to sell themselves. Sir, I remember to have seen a lady with a halter round her neck exposed for sale in the streets of London! But I pass on to the next charge. Another noble individual has also made an attack on the Irish. I regret it. It was unworthy of the Duke of Wellington—it was unworthy of that man, who owes so much to the Irish, to turn upon them, and in opposing this Bill to have said, that his countrymen would use it "for the purpose of avenging the past." Of avenging the past! How so? The Irish avenge the past. The thing is impossible. It could not be done, for such have been the crimes, and so great the offences, against Ireland, her people, and their liberties, that to avenge them were impossible, and the Irish had covered them with a noble and generous oblivion. And shall we suffer our country thus to be slandered—the people thus to be traduced, and their nobler feelings thus misrepresented, and this too by one who owes so much to their noble and gallant achievements? Sir, the noble Duke knows little of Ireland—or what he knew he has forgotten—let him read her history! Did he ever hear, or did Gentlemen opposite ever hear who proposed at one period to avenge the past, and who it was who resisted that proposition?—the last is not generally known, but I know it to be true. There was a proposition of that nature made in 1782, but it came from an Englishman—and more, it came from a Bishop. At the time that England had not 5,000 troops in Ireland, then all Ireland was armed—100,000 men in the field, and 200 pieces of cannon, led on by the nobles and chief men of the land. The Bishop of Bristol, a relative of a noble Lord opposite, came to the late Lord Charlemont to induce him to strike at the connexion betwen the two countries, and he said—"we shall have blood, my Lord—we shall have blood;" these were the words of the Englishman, the Bishop. No, replied Lord Charlemont, no blood if I can prevent it; and he, along with Mr. Grattan, joined, not as the Duke of Wellington would have it, to avenge the past—but, impressed with nobler feelings, and assisted by a man whose name will ever live while gratitude exists in Ireland, and love of liberty in England, in conjunction with Mr. Fox they effected the disenthralment of their country, and restored to her her rights and liberties, without shedding one drop of blood. The Irish are rescued from the imputation. The next statement then is, that this is a transfer—that the corporate influence has been ill-exercised, and that it would be dangerous to impart it; that the majority being Catholics, they should not be allowed to enjoy it—this is but ascending in another step—this is spoliation and degradation as well as insult. I ask, why should I as a Protestant be deprived of my right? Why should the hon. Member for Sligo be deprived of his privileges of citizenship? We are opposed in politics, yet I doubt not that as a municipal officer I would be found to vote for him, as he possibly would do for me; therefore why deprive us of our rights? You have quarrelled with the Catholic, and because of this quarrel you avenge yourself upon me and the gallant Officer, and deprive both of us of our undoubted rights and privileges. I call on my hon. Friend to stand forward like a freeman to defend his rights, and take his station by his country. Let him reject those clauses so disgraceful, so fraudulent, so insulting—penned with a venomous dexterity. The hand is traceable, and we see the cunning clause of the Cork attorney, and the sanctified duplicity of the university drawing the pen from the judicial wig in order to write away the rights and privileges of the entire community. Now listen to the facts:—you say it is a transfer of power—I deny it; but how was the power exercised which was already conferred? Look to those places where these men enjoy the right of voting for Members to serve in Parliament—those men whom you contend are unfit to possess municipal rights—look to Clonmel, where the constituency is chiefly Catholic—that place was, I believe, offered to two Protestant gentlemen to fill the vacancy in the representation—look to Carlow—to my knowledge the representation of that county was on a late vacancy offered to three Protestant gentlemen—look to the county of Meath, where a Roman Catholic was displaced from the representation and a Protestant chosen. There are numerous other cases, but I will not fatigue the House by reciting them. I appeal to you as men—I appeal to the people of England also—they are with us—the majority of the people of England, on this question, are with us. We contend for equal rights—we seek for privileges such as England enjoys, and in this we are joined by the English—they sympathise with us, and they will support us. It is vain for the right hon. Baronet and his party to think that Ireland can be governed on the old system—let him remember that the people of Ireland have borne down all his efforts—that in 1792 it forced the elective franchise from the unwilling hands of the Government. In 1793 they made further progress. In 1829 they made greater progress. In 1832 they defeated you on reform; and do you think you will be able to resist them now? But ought you as men—as freemen should you desire it? Would not your interests be endangered if ours was lost—or would your liberties be destroyed if ours were in existence? Remember the saying of your first conqueror. When Agricola looked to Ireland he said, she must be conquered, because Britain could never be kept in subjection while Ireland, that lay so near, was suffered to enjoy liberty. Your honour, your interest, as well as those of Ireland, demand it. The Irish call for equal laws and equal privileges with yourselves. England responds to that call, and we must prevail. You can only govern us by affection. We hold forth the hand of fellowship. We call on you to decide—Union or no Union. We ask not for concessions, but we demand our rights. Ireland seeks for nothing more, and she will be content with nothing less. Mr. Grattan sat down amid much cheering.

Viscount *Sandon* denied, that the corporate property in Ireland was more than 50,000*l.* a year. He denied too that the Bill deprived Ireland of Municipal Corporations for local purposes; for the towns would possess a means of providing for their own wants, by adopting the provision of the 9th Geo. 4th. It was not a question of Catholic or Protestant, nor was it because power would be transferred from the hands of the one to the other, that the Corporations were to be abolished. The abolition was proposed because the people of that country had their political feelings in so excited and excitable a state that it was not safe to intrust power in the hands of the majority. As to the reference which had been made to the *Quarterly Review,* he acknowledged no such authority, and it was not fair to taunt those at his side of the House with contemplating martial law for Ireland, more especially when the taunt came from that party who, three years ago, asked the House to pass the Coercion Bill.

Mr. *Sheil* observed, that to the noble Lord opposite he should make this simple observation—the town which that noble Lord represented was within twelve hours' distance of Dublin. Now what would the noble Lord think, if the extraordinary proposition were made to him, that a corporation was to be continued in Dublin, and refused to Liverpool. [Lord *Sandon:* Look to Manchester.] Dublin had a corporation even before Liverpool possessed one. But how would the people of Liverpool feel if it were suggested that their Corporation was not to be reformed, but abolished, and its estates transferred to Commissioners of the Crown. Did the noble Lord not know—and he appealed to the candour and frankness of the noble Lord—that an universal feeling of indignation would be excited by such a proposition? He passed from the noble Lord to the hon. Member for Sandwich. He was always exceedingly loth to speak of himself—it was his opinion that the more a man avoided speaking of himself, the more did he manifest a regard for his own character, advance his own interests, and please his audience. But really the reference that had been made by that hon. Member to the speech delivered by him at Thurles, imposed upon him the obligation of removing that which, on the part of that hon. Member, was misconception, and with others misrepresentation. He hoped that the House would begin to observe, that it was with the utmost reluctance he spoke of himself. He assured the House that he had clear and unequivocal proofs to produce in confirmation of what he had to state. He was not about to say, that the speech that he had made at Thurles had been misreported. Far from it—he avowed the report; but he denied the commentary that had been made upon it. Again and again it had been alleged that a compact had been entered into with the Irish party, of which his hon. Friend on the left was at the head. Now he had not spoken of such a compact; but he spoke of the compactness of the union that prevailed amongst Members sitting upon that, as there did upon the other, side of the House, and who would deny it? If they insisted upon a proof of the compactness of that union, he should say to them, "*Circumspice*." No such statement was made by him, as that a compact had been entered into. He spoke of "a compact junction;" but the word "junction" was left out in the commentary. In place of the epithet "com*pact*" the substantive a "*com*pact," had been introduced [*Laughter.*] Hon. Gentlemen opposite smiled, as if he had recourse to a variety of intonation to mark the distinction. It was no such thing. He had the speech by him at that moment, and if they called upon him to read the paragraph he would at once do it. He had hitherto refrained from alluding to this subject; because he had found in a reported speech of the hon. Member for Bradford, that he intended to make this the subject of one of the many motions, with which he had threatened the House. He had waited therefore in expectation that the hon. Member would introduce that motion, as he had brought forward others. He should now read the last passage in his speech, to show the spirit in which it had been delivered. It stated that between the Whigs and the Irish people a compactness of union now existed. Now, it was upon such sentiments that it had been over and over again stated by the hon. Members for Leeds and Bradford, and by others, that there was a compact between the Irish Members and the Government. The hon. Member for Bradford had declared that "they knew perfectly well what Mr. Sheil had said, that there was such a compact, and that Mr. Sheil should explain that in the House of Commons." It really was involuntarily that he was dragged into this discussion; but of this he was quite sure, that however greatly the spirit of party might prevail, yet in a matter which was personal, he was sure that the spirit of fair play would be always found to predominate.

Now he should omit a passage from his speech, and for this reason, that it was his business at that moment not to attack the late Government, but to vindicate the present. After speaking of the disunions which had prevailed between the Whigs and the Irish Members, he proceeded to say, that with the Whigs they now entered into a close alliance, and that, seeing this, they were forced into a compact alliance and indissoluble junction. Then they did provoke him to the reading of the preceding passage, and he would gratify them. He stated that they beheld with indignation the persons who were placed in the Privy Council; that Lord Roden was marked out for an office near the person of the King, and there were the grand treasurer and other officers of the Orange Lodges appointed. Then, that which he called a compact alliance and indissoluble junction, they insisted was a compact. He did not think so; but then they ought to recollect that he was an "alien in language." Assuredly, looking at hon. Members opposite, he would say, that there was no compact amongst them, although there was a compact junction. They said at once, then, that there had been a misrepresentation of his words. There was no bargain—he appealed to their common sense upon this that there was no compact; and he trusted upon this subject that no man would resort to miserable expedients. If they asked him, had there been a junction, he would at once answer that there was—a fair, open, and honourable one. They did support those whom they had opposed, and he was one of their most determined opponents—they did oppose the Whigs, as long as they considered they were acting hostilely to the interests of Ireland; but the moment the Whigs adopted principles that were favourable to Ireland, that moment their opposition ceased. The moment that the Church Commission was issued and acted upon, and that the Whigs of 1824, Lord John Russell, Sir John Hobhouse, and others, took a prominent part in the Ministry, from that moment everything was forgiven, though perhaps not forgotten. What did the Irish party obtain? Measures were promised favourable to Ireland. Those only they sought for. What was gained upon the other side when they came into power? They stipulated for office. Did the right hon. Baronet remember what was the death-stroke to his Ministry? Let him think on Knatchbull, upon Lefroy, upon the division on the Civil List. What was asked for by the Irish Members? The benefit and advantage of their country alone. Let them show him one man amongst them who was in place. Of all the Irish Members, the only one in office was the hon.

Member for Kildare. They asked but for justice, because they knew that in that was included equality. They were charged with entering into a compact. In what did it consist? That there should be done that which, in their hearts, the Opposition knew ought to be done for Ireland. He should not dwell any longer upon this subject—he had been led beyond the line that he had intended to pursue upon this subject; but the hon. Member for Sligo had forced him to do so, and for going so far, he trusted he should be excused by all parties in the House. It was, he thought, of importance that the debate should end that night, and therefore it was his intention to be as brief as possible. He did not mean then to enter into the question of the differences between the Corporation for Ireland Bill, as it was returned to that House, and as it went into the Lords. There was another question now between the two parties that divided that House—it was a question between the House of Lords and the House of Commons. Before he went into the facts of the case, he would remark upon the principle applicable to those differences. He had one authority to quote, it was that of Mr. Canning, and it was to be found in a speech of his delivered in June 1827, after amendments had been introduced into his Corn Bill. The object of those amendments was to destroy Mr. Canning's administration. The Bill had been sent up from the Commons to the Lords—there an amendment was introduced which was fatal to the principle of the Bill. He wished now the House to observe, that he was not quoting a man who was a revolutionist, he was quoting a man as devoted to the maintenance of existing institutions as any who then listened to him; and here was the language of Mr. Canning—this was the advice which Mr. Canning suggested, that the unreformed House of Commons ought to adopt. Mr. Western having moved an amendment to enforce those adopted by the Lords, Mr. Canning said—

"I agree, Sir, with the hon. Gentleman, that something is necessary to be done; but the rule I should lay down upon the subject is a very plain one. As, I presume, the House of Commons is not so reduced as to abjure what its Members have declared to be necessary principles, to rescind their deliberate resolutions, and to throw away as waste paper that Bill which they have so much and so carefully considered, merely because in a certain assembly, which, for many reasons, is entitled to our respect, they did not happen to be entertained with that courtesy which might have been expected, but were made the subject of an amendment, which not merely went to rescind what we had enacted, but to introduce principles, that, besides being new, were positively contrary to what we had determined to be necessary. Let the House, themselves, feel this as they may. If there be a single spark of pride or of shame in it, they will not submit to it.*

This was the doctrine laid down by Mr. Canning. Now the Bill which was before them had been carried by a large majority—a majority of sixty-four—in a House of Commons called by the right hon. Baronet. Now, what had been done with respect to this Bill? A resolution had been proposed by a noble Lord, who was known to be the translator of Faust, and who, in proposing such a resolution, seemed to have consulted with some familiar. What was done on the other side? They were not satisfied with increasing the influence of the Castle, but care was taken that all existing officers should be preserved. Such was the sympathetic solicitude for speculating trustees and plundering corporators, and all were most carefully maintained. And the Irish were to be thus treated, because it was said that they were "aliens in language." It was rather hard that their defect in language should cost them their institutions. There would be a lasting recollection of the words applied to them. They were said to be "aliens in language, in country, and in blood." Now he called upon hon. Members opposite to say, did they adopt that phrase? Did they deny it? or dare they confess, and blush at it? He asked the right hon. Member for Tamworth, did he adopt that phrase? Was it, and he did so, with every respect for that right hon. Baronet, was it he who would now say that he had conceded emancipation to those who were aliens in country, creed, and language? Let the opposition mark to what a condition they had reduced themselves. He entreated of the noble Lord who sat beside the right hon. Baronet, to remember who was his leader—who at the head of his party. Did the noble Lord remember—he was sure the House could not forget his powerful and emphatic language upon a former occasion, and with what force he had used a quotation, from which he might now apply to the noble Lord these words—

"Yet time serves wherein you may redeem
Your tarnished honours, and restore yourselves
Into the good thoughts of the world again:
Revenge the jeering and didsained contempt
Of this proud King."

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* Hansard, (New Series) vol. xvii. p. 1308

He should now pass with as much velocity to the remaining facts. They could not but observe that the proposition of the Duke of Richmond was rejected—a proposition that came from one who supported Conservative principles. [" *No.*"] Why, that noble Duke had resigned with the noble Lord (Stanley), and did he not support Conservative principles with more than a convert's zeal. Having thusquoted theauthority of Mr. Canning upon the great constitutional principle involved in the conflicting principles of the two Houses of Parliament, he had now another authority to go to. This was a speech delivered at the Merchant-Tailors' Hall, on May 11, 1835. He found the report of this speech, not in the debates of Hansard, nor in the " Mirror of Parliament," but in a small volume of speeches of first-rate eloquence, delivered by the right hon. Sir Robert Peel, and corrected by himself. He entreated and solicited the attention of every man whom he at that moment addressed, to the principles laid down in the extract which he was about to read to the House; principles in which the relative position of the two Houses of Parliament in regard to one another, and their joint relation in respect to the executive, were distinctly laid down; he would give the extract verbatim as he found it. The hon. and learned Gentleman then read the following passage from the speech referred to:—" I warn you that you must not place a firm reliance upon the prerogative of the Crown—on the influence or authority of the House of Lords. The prerogative of the one, the authority of the other, are constitutionally potent in controlling the powers of the Lower House, but you must not, now-a-days, depend upon them as bulwarks which are impassable, and which can be committed without apprehension to the storm and struggle of events. The Government of the country"—Yes! let both sides hear it, for to both sides it affords matter for reflection—" The Government of the country, and the mode in which it is conducted, allow me to tell you, must mainly depend upon the constitution of the House of Commons. I again say, the royal prerogative, the authority of the House of Lords are most useful, nay, neces ary, in our mixed and balanced constitution. But you must not strain these powers. You would not consider that that was worthy of the name of a Government which existed upon nothing but a series of collisions and hostilities between the two branches of the Legislature. You would rather see them moving in that harmonious manner which insures the utility of each, and the efficiency of all. I ask you, then, to take means to assert in the House of Commons those principles which we believe to be just, and to exercise that authority to which you are fairly entitled. On taking office, I avowed my determination to abide by the Reform Bill. I trust I have redeemed that pledge, not by a niggardly and cold acquiescence in details, but, I trust, an honest and generous deference to the broad principle it involved. On this broad, constitutional principle my friends and I acted. We acted in the spirit of the Reform Bill. When we found that we had not the confidence of the House of Commons, although the array against us was miscellaneous in the extreme — although the majority was small, we felt it our duty to resign. However strongly we might have opposed the elective system before, we now adhered to our pledge; we not only gave the Reform Bill a fair trial, but we regarded it as a constitutional settlement of a great question. We did not entertain the idea of governing the country against a majority of the Reformed House of Commons." He would now ask the right hon. Baronet, " Do you entertain the same opinions on this subject now?" Mark how the facts stood. Lord Melbourne resigned, and the right hon. Baronet dissolved Parliament without meeting it. There was not an instance in history of the same force as this. The right hon. Baronet met the new Parliament, and the first question pressed upon his notice was the English Corporations, and the necessity for placing them under a system of popular control. If his memory failed him not, the first question raised was an amendment to the Address, with a view to placing the Corporations of England on a popular footing. That amendment was carried by a considerable majority, and after two or three months vain conflict with the majority of the House of Commons, the right hon. Baronet resigned. It might be said that the majority which turned the right hon. Baronet out of office was a small one; but had it since decreased? On the other hand, had it not rather swollen and strengthened on each succeeding occasion? Under these circumstances, he asked the right hon. Baronet what his prospects were? With what hopes could he resume office in the face of the Parliament which had already driven him from the seat of power? Or would the right hon. Baronet avoid all this dilemma by again dissolving Parliament without facing them, and send back the very House of Commons which he had been the instrument of calling together? He begged the right hon. Baronet to pause and consider what was the state of the feelings of the people of England? He asked the right hon. Baronet whether, in his knowledge, the feelings of the people of England were ever raised to a higher pitch of sympathy with the people of Ireland than they were upon the present question. If you deny (continued the hon. and learned Member) that this feeling exists amongst the people of England, do you deny that you made similar allegations before—that you strained the prerogatives of the Crown to dissolve the former Parliament, and that all the efforts of your incendiary eloquence were tried in vain in bringing together that which was to succeed it, for in that Parliament you were discomfitted. I will not say that you were made prostrate, for that can never be. I ask you again, are your schemes now improved? The right hon. Baronet, he well knew, was not an adventurer—he was not a speculator on public ruin. He did not think that the right hon. Baronet would submit to construct so many electric shocks for the country as this. There were sixty-four Irish Members on his (Mr. Sheil's) side of the House who would be against the right hon. Baronet. A majority of sixty-four Members would perhaps be a small account if questions of Irish grievances were once extinct, but as long as they remained unsettled, and as long as the present Government remained faithfully devoted to that object, they would be supported in power. If this assertion was doubted, let the question be tried—let Parliament be dissolved; the Opposition parties think that they would have all the Protestants of Ireland with them? Let them look to the petition from Bangor, signed by 1,000 Protestants; let them look to the petition from Londonderry, which foremost asserted the glories of Protestantism, the very seat of orthodoxy. He had asked the hon. and learned Member for Londonderry, whether the sentiments expressed in that petition were not those of the majority of his Protestant constituents? and the hon. Member replied that the case was so. All these men, then, concurred in asking of the House was, what he and his party called justice to Ireland. The hon. and learned Recorder for Dublin, had last night entered into a very interesting disquisition as to what justice to Ireland really was. The right hon. Gentleman would perhaps pardon him, (Mr. Sheil) if he very respectfully expressed his wish that the learned Recorder's name had not been to be found in the lists of the Lay Association. The hon. and learned Gentleman knew very well that a Civil Bill for the recovery of tithes would lie in his own Court; and yet the learned Judge subscribes to pay counsel for the prosecution of that very process. He would ask, was it conducive to the public interests—to the ends of public justice, that a man holding a high judicial situation, and a Privy Councillor, should rush headlong into this arena of persecution, and hold out a premium to any speculating and trafficking attorney who chose to take advantage of it? The hon. and learned Recorder had concluded his speech by exclaiming, "*Ruat cœlum, fiat justitia.*" He supposed that "*ruat cœlum*" meant perish religion, perish humanity; whilst "*fiat justitia*" should be construed, let tithes be levied. If he was wrong in attributing that construction to the hon. and learned Recorder's observations, he was sorry for it. He could only assure him that he had stretched his imagination for the purpose of aiming at his meaning. Let, however, those who opposed this measure, now remember two things—that in so doing, they were raising the question of reforming the House of Lords in this country, and that of the Repeal of the Union in Ireland. The hon. Member for Waterford had already, in the course of his speech, pointed the attention of the House to the physical position of Ireland. On a former occasion, when the Repeal of the Union was agitated, that hon. Member threw up his seat because he would not pledge himself to support that proposition. The warning of the hon. Member deserved the particular attention of the House. He had told the House to-night to beware of pursuing a course which would withhold from Ireland what she is entitled to, or the question of the Repeal of the Union would be raised again, and he must become an advocate of it. No language of excitement he could use could have the effect of the evidence of that Gentleman, who was known and valued, not only for his understanding, but for his political consistency. He candidly told the House that if they denied Ireland these institutions, they must give her back her independence, considering that the people of Ireland were an intrepid, an energetic, an enthusiastic, and, when employed, an industrious people. When he looked into the history of the country, and saw how her prayers had been rejected, and her demands for justice disregarded, he had a right to claim equal rights with the rest of the empire, or a restoration of her independence. The speech of the noble Lord, the Secretary for the Home Department, had assured the House that Ireland was not to be treated on the footing of a colonial dependency; and though, when he looked at the place where its Parliament had been held, and remembered the proud antiquity which hallowed it, he regretted its loss; yet when he was animated and excited by the glories which Ireland had gained through her association with this country, he thought they had been a compensation for the loss. Let, then, the Irish be Britons in equal laws. They must be on a footing with Britons in every respect—they must be (emphatically added the hon. and learned Member) they must be your equals. To be your vassals, your dependents—to lie in colonial submission before you, we never will consent; and when we are told that in religion, in language, and in blood, and in all but country, we are aliens to you—if any men are mad enough to tell us so—thanks to that power which placed our throbbing hearts within our breasts, we are not base enough to submit to such an insult.

Sir *R. Peel* felt under a double obligation of making an apology to the House for offering himself to its notice. He felt that the subject had been completely exhausted, and the hon. and learned Gentleman must have risen under the same impression; for, although his speech abounded in much lively allusion, much personal comment, and much eloquent declamation, yet not one single approach to argument did the hon. and learned Gentleman discover throughout the whole of it. He felt, as he before said, a double obligation to apologize to the House on the present occasion, not only on account of the exhausted state of the House and of the subject, but because the hon. and learned Gentleman had read so long an extract of a speech of his, that he was somewhat doubtful whether the strict rules of the House did not incapacitate him from speaking. He, however, thanked the hon. and learned Gentleman for this extract from his speech, because as to-morrow he should have the honour (it being the anniversary of the day) of again dining with the respected corporation before whom that speech was delivered, he should have an opportunity of repeating the sentiments he then expressed, and which he still entertained. He did think the Government of this country could not be conducted without a good understanding between both Houses of Parliament. He should not call that a safe and efficient system of Government in which there was a constant collision between the two Houses. He thought that the affairs of the Government could not go on where there was this perpetual conflict. But he did not mean by this to imply that the House of Lords had no other course to take on these occasions than to relinquish its independent right to act, and merely register the decrees of the House of Commons. The hon. and learned Gentleman had referred to the doctrine laid down by Mr. Canning with respect to collisions between the two Houses; but he (Sir R. Peel) did not understand by the speech of Mr. Canning, which the hon. Gentleman had read, that Mr. Canning meant, whilst he maintained the privileges of this House, that the maintenance of the privileges of this House was inconsistent with the maintenance of the rights and independence of the other branch of the Legislature. Mr. Canning was referring to the question of the Corn Laws, which had produced a difference of opinion between the two Houses. Mr. Canning was happily relieved from witnessing the political conflicts which now agitated the country; but on this same question he (Sir R. Peel) would refer to another authority—a living authority—an authority from whom it had been his fate to be separated altogether during the whole of his political career, but for whom he felt the utmost respect, and, in all their political disagreements, not one word of disrespect towards that eminent individual had ever fallen from him: he referred to the language used upon a similar occasion by Earl Grey. Lord Grey did not deny the independent right of the House of Commons; but Lord Grey, at the same time, felt it to be his duty to maintain the equal independence of that branch of the Legislature of which he was a member. But he would first refer shortly to the speech of Mr. Canning. The two Houses differed in respect to the Corn Bill; would the hon. and learned Gentleman advise the House of Commons, out of respect to the authority of Mr. Canning, to adopt the same course of proceedings as in the Corn Bill. Mr. Canning said on that occasion, "My first proposition is, to let loose the corn now in bond, by the operation of the principle of the Bill itself; and then to let in, under the same restrictions, the corn of Canada, which has been shipped on the faith of the Bill. To neither of these parts of the Bill was the smallest objection made in the House of Lords; and the amendment which lost the Bill was, as far as I understand the matter, one which did not touch them in the least. In proposing them, Sir, for the consideration of the Committee, I am, therefore, doing that which will not bring us within the risk of a conflict with the other House, since the principles on which I now wish to act are those which met with no objection, and were in fact adopted from us." * He did not say that the House should pursue the same course now; he did not say that this House should abandon its right; but he said, that after the argument used by Mr. Canning, there would be no degradation in adopting the measure of the House of Lords; and on that occasion, Mr. Canning by adopting the course of conciliation ended the conflict, and led to an amicable and conciliatory settlement. What was the language of Lord Grey? Lord Grey said, "I stand here one of a body which will always be ready firmly and honestly to resist such effects which always considers anxiously and feelingly the interests of the people, even when it must oppose the people themselves, and which will never consent, under the influence of fear, to give way to clamour. If I am told we run the risk of having a worse Bill, I shall never suffer myself to be intimidated by any such threat; and if a worse Bill should be sent up, I am sure your Lordships would pursue the course you have pursued by the present Bill. You would consider it, and you would amend it; and if you could not make it good, you would reject it. I am sure that any such measure should be met by me with a firm opposition, and that I should be prepared to do my duty to myself. I have said thus much, and I might say a great deal more. If there should come a contest between this House and a great portion of the people, my post is taken; and with that order to which I belong I will stand or fall. I will maintain, to the last hour of my existence, the privileges and independence of this House." * On that occasion, these words the hon. and learned Gentleman would find were spoken by one whose authority he had ever held in great respect. He had omitted to notice the first part of the hon. and learned Member's speech; and those who forgot the precept, could not fail to learn, by the effect of example, a warning from the hon. and learned Gentleman, unless there was some cogent reason to abstain from personal explanation. The hon. and learned Gentleman had found it absolutely necessary to explain a speech he had delivered at Thurles; and the hon. and learned Gentleman had been provoked by a look, or something like it, from his right hon. Friend, the Member for Sligo, into an apparent position of hostility towards the Members of the late Government—he said apparent, because he who admired the hon. Gentleman's talents, and did not expect or desire to entertain other feelings than those of respect for him, whatever might be the difference of their sentiments in regard to measures of government, felt no hostility towards him. But the hon. and learned Gentleman had thought it necessary to explain a misapprehension as to a supposed statement of his, of a compact between the Irish Members and his Majesty's Government; and if the hon. and learned Gentleman had simply said that it was a misapprehension, and that he denied the interpretation put upon the expression, it would have been quite sufficient for him, and the hon. and learned Gentleman would never have heard of it from him. But the course pursued by the hon. and learned Gentleman in his explanation, had a tendency rather to confirm the misapprehension. The hon. and learned Gentleman said, "you suppose that I said there was a compact between us and the Government; but this is an error, for there has been an important omission in the text of my speech; for where it seems as if I had used only the word 'compact,' the words I really used were, 'a compact and indissoluble junction.'" Now, there certainly might be a junction without a

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* Hansard (Third Series) vol. xvii. p. 1311.

* Hansard, (Third Series) vol. xvii. p. 1261.

compact; but the hon. and learned Gentleman had admitted that there had been an "alliance," and an alliance was not very different from a compact. But the hon. and learned Gentleman went further, and said that there was an alliance "on honourable terms;" and he defied the hon. and learned Member, with all his acuteness and ingenuity, to point out any real distinction between a compact and an alliance on honourable terms. The word "compact" did not necessarily imply a "dishonourable compact;" it had not been said that the price paid to the hon. and learned Gentleman and his friends was admission to office. But the hon. and learned Gentleman had admitted that there had been an alliance, and on terms which might indeed be for the public good; but it could hardly be said that there was no compact, for it seemed to him that there was no distinction between a compact and an alliance on terms. He was sorry, that in following the explanation of the hon. and learned Gentleman, he had been diverted from the subject of the Bill; but he would enter into a "compact" with the House, that the moment he departed from the proper course of argument, the slightest notice from the House would induce him either to abstain or to sit down. In fact, the argument on the main question had been completely exhausted in the debate on the question before; and he should have been content to rest the case on the original debate, if it had not been for the speech of the noble Lord last night, which had placed the question on new grounds. The noble Lord had argued as if the question at issue was whether or not there should be local government in Ireland. The noble Lord had quoted the case of Prussia—a case not calculated to excite feelings that would lead to conviction—and the noble Lord had proceeded on the assumption that the question at issue was, whether the local governments of the towns of Ireland should be abolished or not. That was not the question at issue, and he would prove that it was not. The noble Lord proposed to force twenty-one towns in Ireland to adopt the provisions of the 9th George 4th, not that it should be left to their option to adopt them or not, but to compel them to adopt those provisions. Did the noble Lord mean to deny the right of these towns to adopt a local government or not? Surely, it was more consonant to the principles of self-government to allow these places to determine whether or not they would adopt the provisions than to force them to do so. But the noble Lord said, "I will enforce them on all towns in Ireland." How did the Opposition propose to leave the law? Why every town in Ireland would have a right, if he thought fit, to adopt the very Act which the noble Lord would enforce. In what cases was the Act to be enforced? On the application of twenty-one inhabitants rated at 20*l.* a-year. In any populous city, however averse to a local government, according to the noble Lord's plan, the Act was to be enforced on the application of twenty-one inhabitants, rated at 20*l.* a-year. This was to be applied to every town in Ireland not governed by local Acts. The Legislature had passed an Act for England; but had it enforced the Act? No, it left the application of the 9th George 4th optional. The noble Lord intended to enforce it; he had not introduced any judicious scale of taxation; but he had left the enforcement of the Act to the application of twenty-one inhabitants rated at 21*l.* a-year. The noble Lord proposed that there should be municipal government in Ireland, whether desired or not. He thought that sufficient provision was made for local government, when it was left optional with the inhabitants to have it or reject it. Another fallacy in the speech of the noble Lord was, that he assumed that municipal institutions were absolutely necessary for good government: that fallacy pervaded the whole of his speech. The example of Prussia could have no effect here. Was this an essential part of good government, or not? In his opinion it was not, and the principle of the noble Lord's Bill might turn out to be a violation of the rights of the people. Where Corporations had existed before, there custom made them popular. If the noble Lord thought that municipal institutions were essential conditions of good government, why were not corporations enforced throughout this country? Why was Manchester, Birmingham, and the districts in this great metropolis to which representatives had been granted, comprehending a population of 1,120,000, without corporations? The large districts on the other side of the water, which were rapidly advancing in manufacturing industry, Southwark, and Lambeth, and even the city in which they were now assembled, as well as the boroughs to which the boon of representatives had lately been given—Finsbury, and the

Tower Hamlets, and Marylebone, were without corporations—and could the House see municipal institutions enforced in Ireland, and not in the large districts belonging to the metropolis, if these institutions were requisites to good government? If corporations were thought essential to good government, why were not the provisions of the Bill to be applied in every instance? But the cases of Dublin and Liverpool were compared, and it was said, that looking to the rapid communication between them, it was disgraceful that one should have a corporation and not the other; that a merchant of Dublin would feel himself disgraced on a visit to Liverpool. But if corporations were so essential to good government, what must be the feelings of a merchant of Manchester going to Liverpool? Manchester was as near Liverpool by the railroad as Dublin by sea; and did the hon. and learned Member think that a rich merchant of Manchester, proceeding to Liverpool, would meditate as he was conveyed in the rapid machine, that he was soon to come into a place where he would see by contrast his unhappy lot, and that he would return to Manchester insulted and degraded, and be compelled to hide his head under the mortifying impression that he was not an inhabitant of Liverpool? Did the hon. and learned Member believe that a single individual would transfer his residence from Manchester to Liverpool for the express purpose of enjoying the luxury of a corporation? The real question came to this—would the denial of corporate institutions interfere with the good local government of towns in Ireland, or with the prosperity of the country? He did not disregard the preference which arose from feelings and habits, rather than from the prospect of advantage; but were they proposed for the purpose of local government? The next question he should look at was, whether these institutions were to be formed, not for good local government, but for political purposes, and to be made subservient to illegitimate ends. Unless it could be shown that the reconstruction of corporate institutions in Ireland was compatible with the proper government of towns, with the due administration of justice, with the interests, not partial but equal, of Protestants and Catholics, he should overlook all the arguments derived from analogy of institutions. In the case of Dublin, the administration of justice was refused, no magistracy was given, and the noble Lord refused to grant the control of the police to the most popular and most important city of Ireland. "You take from the Municipal Corporations (continued the right hon. Baronet) the appointment of Sheriffs, and vest it in the Lord-Lieutenant; but then, of course, you give to it the direction and management of the watching, paving, and lighting of the city? Not at all. Well, but you invest it with the powers of widening and improving the streets of the city? By no means. But at least you give to it a control and superintendence over the port of Dublin, in which the municipal body of that city must be so much interested? Nothing of the kind. In constituting this municipal body, then, you withhold from them everything which in a municipal institution can be considered of importance. You do not allow them to interfere in the appointment of Sheriffs you give them no control over the police, you take from this all-important body, this body so essential in your opinion to good government, the appointment of even a single watchman; you invest in other authorities the charge of lighting, paving, and watching; you commit to the care of others the widening and improving of streets, the superintendence of the port. Now, allow me to ask, when you have taken all those powers away, for what purpose is it that you continue it as a municipal body? I ask you, when you have removed those powers and authorities which ordinarily belong to Municipal Corporations, for what purpose do you leave it? I tell you, that if you leave it only for political purposes, it is you and not we who are the enemies of Ireland." Much had been said of the appointment of Commissioners, who were to take charge of corporate property and those for charitable trusts heretofore administered by Corporations. He would not enter further upon that point, which did not involve any principle of the Bill, further than to remark, that if a Corporation were to be abolished, it was almost impossible to avoid the appointment of Commissioners for a limited time. He would have preferred that the time should have been limited, and that was the intention when the Bill was before in that House, that the Commissioners should continue for a time, or until Parliament should determine otherwise; but it was, he repeated, unavoidable that some Commissioners should be appointed to take charge of corporate property where Corporations were abolished—for there were many towns which had no Local Act. He would not enter into the question of the appointment of weigh-masters and butter-tasters, for those were points on which there could be very little difference between him and the noble Lord. When he heard the language used by the hon. Member for the county of Meath, he hardly thought that the Bill deserved the epithets which that hon. Gentleman had applied to it; nor could he have thought that the corporate property in Ireland was so great as that hon. Gentleman had set it down. When he heard the hon. Member for Meath, he was strongly reminded of that familiar quotation from the Latin grammar, which the hon. Member for North Derbyshire (Mr. Gisborne) had used for another purpose.

> Ingenuas didicisse fideliter artes,
> Emollit mores, nec sinit esse feros.

Without stopping to inquire into the amount of corporate property in Ireland, he would come to a much more important point—namely, whether it was for the advantage of Ireland, that after the abolition of the old Corporations, new ones should be established in their stead. It was said, that the objects were the dissolution of the old Corporations, the mitigation of the present evils, and the reconstruction of new Corporations in place of the old. He would admit that the existing Corporations were very different from those of former years, and that they had ceased to produce those good effects which it was originally intended they should produce; but the noble Lord (Lord John Russell) seemed to consider that those who voted for the abolition of the old Corporations were also to vote for the reconstruction of new ones. "The noble Lord, adverting to some observations of mine (continued the right hon. Baronet), addressed to the company at the Goldsmiths'-Hall, said, that I was right in complimenting them on having built their new Hall on the old foundation; but the noble Lord added, what would have been thought of you had you told them, they were wrong in building on that foundation—and still more, what would have been thought of you, if you told them they were wrong in building a new Hall? But the question in that case would be, is the new Hall as good for useful purposes as the old? If the old Corporations of Ireland, like the old Goldsmiths' Hall, had served to promote social harmony and good fellowship—if they had tended to promote good and kind feeling between man and man, then, indeed, I should have been justified in advising the noble Lord to build on the old foundation; but if I find that those Corporations have not tended to promote social feeling—if I find that they have not tended to bring man to a good and harmonious understanding with his fellow-man—if I find that they had ceased to promote the good objects for which they were instituted, then I should be exceedingly inconsistent if I praised the noble Lord as I did the Goldsmiths, for rebuilding on the old foundation." The old Corporations were at one time of great use to the country, but of late they had become institutions for the purpose of keeping up exclusive interests and privileges: but then if, in looking at the state of society in Ireland, in considering the probable, nay, the almost certain effects of the reconstruction of the Corporations, they should find that the new would be equally intolerant and equally exclusive as the old, would the Legislature be justified in reconstructing them out of the scattered materials of the former? He had no doubt that if this question were viewed distinct from the prejudices with which it was connected, as one affecting national feelings and national honour, the opinion would be general that the removal of the old Corporations, and the refusal to construct new ones on their foundation, would be pregnant with immense benefits to Ireland. He was sure that by refusing to reconstruct the Corporations we should have much better guarantees for the promotion of domestic peace and harmony in Ireland, for the investment of capital, and the promotion of industry than we now possessed. When the proposition was first made in that House, he was sure that it received the, not open, but quiet and tacit sanction of many cool, calm, and considerate persons in and out of that House. He held in his hand a letter addressed to Lord Mulgrave, signed by one who called himself "a dissatisfied country gentleman." He had no knowledge of the writer, but whoever he was, he was no friend (politically speaking) of his. That writer took extreme views of political measures, but in his letter he said that there were four measures required for the improvement and the pacification of Ireland, and that we were now in progress to them. The measures which he recommended were—1st., the complete and unqualified extinction of tithes; the 2nd., was the reduction and remodification of the Church Establishment; the 3rd., was the annihilation of the Orange Lodges. Now, what did the House think was the 4th recommended by this writer, who was certainly a man of acuteness and ability. The 4th was the total dissolution of all Municipal Corporations. It might be said, perhaps, that the abolition of the Corporations did not necessarily imply that they should not be reconstructed; but what was the argument of this writer—an argument penned in a cooler moment than could be expected in the excitement of such a debate as the present? He said, look at the two great corporate towns of Dublin and Cork. The former, in every point which could constitute a great town, had retrograded nearly a century, while other parts of the country, which had no Corporate bodies, had advanced and improved to a great extent. What was Cork?—a city possessing local advantages belonging to few cities in the kingdom, with a splendid harbour, in the midst of a fertile country, enjoying a fine climate, the metropolis of the largest county in the empire, and yet a very large proportion of its inhabitants were sunk in the lowest state of poverty; their morality was in a low state, and in the excitement of election times they were most violent and riotous. He would not say, to use the noble Lord's quotation, "*Sic fortis Etruria crevit.*" The writer next noticed Belfast, a town worthy of England in arts and industry, nominally the third, but in reality the first in commercial importance in Ireland; yet fifty years ago Belfast was an insignificant town. What was the cause assigned by the writer for the increase of the one town and the decrease of the others? He said, that perhaps Mr. Mortimer O'Sullivan and others who took his view might attribute it to the fact that Belfast was a Protestant town, but the writer attributed it to the fact that Dublin and Cork had the most numerous, and, until lately, the most wealthy Corporations in Ireland, while in Belfast they had what scarcely deserved the name of a Corporation, and which did not exceed twenty Members. These, then, were the reasons assigned by a clear and intelligent writer for wishing to put an end to all Corporations for the benefit of the country generally. He would now quote another authority on the same subject—that of a noble Lord with whom he had had the honour of an acquaintance. That noble Lord had not only written a letter, but also drawn up a Bill on the subject. One great object which the noble Lord contemplated as necessary for Ireland was the abolition of fiscal powers by Grand Juries and Corporations. He proposed a general tax, which should be administered by Commissioners appointed by the Crown, aided by Local Commissioners elected by rate-payers, and he pointed out the mode of election. One clause of the Bill drawn by the noble Lord, provided that the Crown Commissioners, aided by some of the local Commissioners, should have the power to inspect Corporate Charters, in order to ascertain if any property possessed by them had been intended to promote public works, and if any such were discovered, the amount should be handed over to the Chief Commissioner, to be applied as originally intended. This was the opinion of an individual well acquainted with the wants of Ireland, and who had made the remedy of many of the evils affecting it a subject of mature consideration. He was of opinion, that Chief Commissioners, whose office should be in Dublin, aided by local Commissioners elected by the people, should take on themselves all the fiscal powers at present intrusted to Corporations and Grand Juries, and he thought that those who proposed the establishment of institutions with similar objects could not be fairly accused of intending to insult Ireland, or to place it below the level of England and Scotland as to municipal rights. He would put it to hon. Members opposite, whether the reconstruction of those Corporations would conduce to that civil equality of all parties which some hon. Members asserted—for unless it was shown that it would have that effect, there was no ground whatever for the proposition. In considering this question he could not overlook the analogy between the circumstances of England and Ireland; for, if any such existed, it ought to be clearly made out. Now, to him it did not appear that that had at all been made out. So far from analogy, there was a vast difference between the circumstances of the two countries. It was true that within the last few years a great moral and social revolution had taken place in Ireland. Within six years we had removed those great barriers which had separated two classes. That removal had been acquiesced in by the Protestants. Those Protestants had not even petitioned against the plan for giving up the privileges which they had so long enjoyed, and was the

House to overlook those who had thus acted? The House should not forget what the late Corporations were. Did any Member believe that the new Corporations, backed as they would be by the physical strength of the country, would be more careful of the rights and privileges of others than their predecessors had been? Did any one believe that they would be willing to share their newly-acquired power with those to whom they were opposed? Then, if such powers were to be granted to parties so supported, did any man believe that their exercise, as they would be exercised, would be otherwise than injurious to the country? Hon. Members were greatly offended and indignant at the proposition that the property of Corporations should be placed in the hands of Commissioners. But how did they themselves propose to deal with a corporate body of another description—with the Church. The Church had a prescriptive right to property long anterior to the existence of most of those Corporations. The security of that property had been guaranteed in the fullest manner by one of the articles of Union between the two kingdoms. By that article the Churches of England and Ireland were to be called the United Church of England and Ireland. Now let hon. Members look at the 70th clause of the Tithe Bill, and see how far that guarantee of the Church property had been respected by those who were now so loud in their exclamations against the investment of any corporate property in the hands of Commissioners. By that clause it was enacted, that when a living became void, the glebe, glebe-house, and offices were to become invested in the hands of Commissioners appointed by the Crown. And this is (said the right hon. Baronet) from you, who deprecate interference with corporate property—you, who profess anxiety to keep sacred from the slightest violation—you, who cannot reconcile it to your views of justice to transfer property from a Corporation to the management of a Commission appointed by the Crown, felt no compunctious visitings when you enacted, that on the voidance of every living, the glebe-house, offices, and glebe, should be transferred from the Church and vested in the Crown. What is it that you have done? You say to us, that those suspicions and surmises on our part are unreasonable, that we ought not to object to the exercise of power, that we have no reason for objecting to it but antipathy to the Roman Catholic Church—that, in point of fact, religious bigotry is at the bottom of our opposition, that we hate you as Roman Catholics, that we are unwilling to cement the union—a union of heart and affection—with you, and refuse to you corporate institutions, for the purpose of obstructing your prosperity and insulting your feelings. But what have been your own words? Have they not been the justification of the distrust you have experienced? Have you not told us that those institutions have been in England, and will be in Ireland, the schools of political agitation? May we not object to convert institutions that were intended for the purposes of local government into the arena of civil discord? You tell us, that your object is, unless justice be done—a repeal of the Union—you tell us that you will never be satisfied without making the House of Lords responsible. You tell us that the arrangement made with respect to tithe is wholly unsatisfactory. You use arguments implying a present acquiescence in it, by a determination to take the first legitimate opportunity of defeating it. Why can you be surprised, then, if we are unwilling to consent to the institution of those societies, after the warning you have given us, that they will not be applied for the purposes of local government, but will be consecrated to those of political agitation—to objects which appear to us destructive of the Constitution under which we have lived, and think we have flourished, and fatal to the integrity of that empire, the bonds of which we wish to see indissolubly compact? We think that in the present circumstances of Ireland, practical civil equality is the right of the citizens of that country; we say that that practical civil equality does not depend upon the formal and nominal adoption of similar institutions existing in England and Scotland, and that if the adoption of these similar institutions will destroy that equality, we have a perfect right to object to them, on grounds stronger than the argument from analogy of institutions. We believe that Ireland wants repose; we think that these institutions will increase her agitation. We do not deny that there may be agitation independent of these institutions. You prophesied to us, that there should be agitation; and, I am sorry to say, that the truth of that prophecy we have too good reason to acknowledge. But we are averse to making ourselves participators in it; we are unwilling to lend the sanction and encouragement of the law to the objects which you propose to yourselves. We believe that the institutions of these corporate bodies, if perverted to purposes like this, will, in point of fact, reconstitute in another shape that political ascendency which we, on our part, are perfectly willing to abandon. Our wish is, with respect to the government of Ireland, to see perfect freedom from civil disability, perfect equality of civil privileges; but we do not deny that our object is to maintain in that country that established religion which we know to have been guaranteed at the time of the Union, and which we believe to be essential to the best interests of Ireland and the Irish nation. We do not, at least, I speaking for myself, do not dissent from this measure from any national prejudice; I do not dissent from it from any hostility which I entertain towards Ireland, but I do dissent from it—and I do intend to exercise the privilege of free judgment regarding it—I dissent from it on the ground that, instead of promoting civil equality it will constitute political ascendency, instead of giving repose it will insure agitation. Instead of really destroying the monopoly of power and exclusive privileges, it will, under present circumstances, and in the present condition of Ireland, merely operate as a transfer of that monopoly and those privileges from a body which is perfectly willing to resign them, but which protests against their being transferred to others.

Viscount *Howick* said, that at that hour of the night he undoubtedly felt great reluctance in presenting himself to the House, but he hoped that the engagement to which he would bind himself, to adhere as strictly as he possibly could to those parts only of the speech of the right hon. Baronet which bore directly and immediately on the question now before the House, would induce them to allow him to occupy a very small portion of their time. He must be permitted, in the first place, to say one word, and but one word, on the observations made by the right hon. Baronet at the outset of his speech, upon the explanation afforded by the hon. and learned Member for Tipperary, of a speech made by him in Ireland some time ago. The right hon. Baronet had very dexterously endeavoured to show, that while professing to explain the language imputed to him, the hon. and learned Member did, in fact, admit all that was alleged respecting it. The right hon. Baronet told them that an alliance upon terms was neither more nor less than a compact. He was not going to follow the right hon. Baronet into any verbal criticism, criticism which savours of sophistry; but this he would say, that they all knew perfectly well what was meant by those who used the word "compact;" they knew that they meant to imply that there had been something dishonourable in the terms upon which the support of those Gentlemen who sat in that part of the House was afforded to the present Government. He asserted, however, that their support had been purchased by no promise whatever, by no understanding, secret, implied, or expressed, that the members of the present Government would do any one act in the slightest degree at variance with those principles and with those opinions which they had always professed. He said, that upon the question of the Union, on which they had differed with the hon. and learned Gentleman upon various quetions of ecclesiastical policy upon which they had avowed their difference, no compromise whatever, not the slightest even approach to an understanding, had existed between the hon. Gentleman and that part of the House in which he sat, on the one hand, and the Members of the present Government on the other. That being the case, he was at a loss to perceive what disgrace there could be in either giving or receiving an unbought support, on such grounds. But enough, and, perhaps, more than enough, on this subject. He would hasten to consider the question before the House. The right hon. Baronet affirmed, that the question was not whether local government should exist or not. His noble Friend near him having, in his speech of last night, most justly stated that the real question for the House now to decide was, whether Ireland should have the advantages of local self-government or not, the right hon. Baronet boldly met him upon that ground, and said that was not the question. Upon what grounds did the right hon. Baronet rest that assertion, which was so much at variance with what must, at first sight, appear to be the plain interpretation of the provisions contained in the amendments of the House of Lords? The right hon. Baronet had two reasons for the assertion; in the first place, that it was not like local government to impose upon twenty-one towns, whether they liked it or not, the provisions of the Act 9th Geo. 4th; and in the next place, that the question had not been correctly stated by his noble friend, because municipal institutions were not necessary for good local government. These were the two arguments on which the right hon. Baronet mainly rested his assertion. [Sir *Robert Peel*—Not exactly.] The right hon. Baronet seemed to deny what he had said, but it was in the recollection of the House whether the right hon. Baronet had not stated explicitly that he denied the position of his noble Friend, and followed it up, by showing in considerable detail that in his opinion it was inconsistent with the principle of self-government to enforce in these great towns the adoption of the statute 9th George 4th. [Sir *Robert Peel* again expressed his dissent.] The right hon. Baronet would by and by have an opportunity of explanation, but in the mean time, he would venture to argue on the right hon. Baronet's assertion, as he himself had understood it, and as he believed the House had understood it. The right hon. Baronet certainly had said, that it would be more in conformity with the principle of allowing them to manage their own affairs to give them the option of adopting the provisions of that Act, or of dispensing with them. He believed that now, at least, the right hon. Baronet would admit, that he had correctly stated his argument. Let them, then, consider how the fact really stood. What was the ground on which his noble Friend proposed that those towns should not be left free to choose for themselves? It was simply this—that there being in existence at the present moment Corporations which exercised various functions, which had various officers, and were in the possession of considerable property, it was absolutely necessary that at the time of abolishing these bodies some provision or other should be made for the discharge of those duties now performed by them. His noble Friend, and hon. Members on his side of the House, had insurmountable objections to the appointment of Crown Commissioners for that purpose. It was, therefore, absolutely necessary that they should decide either for or against the principle of self-government—in the one case, either by rendering necessary the adoption of the 9th of George 4th by enacting that municipal affairs should be placed under the management of persons elected by the inhabitants; or, on the other hand, by recognizing that sort of government in which the persons interested had no share, by the appointment of Commissioners. Now it happened, curiously enough, if he were not much mistaken, that during the discussion of the English Municipal Reform Bill last Session, the right hon. Baronet presented a petition from the borough for which he was Member, the prayer of which was, that that town should not be included among those to which the provisions of the Bill were to be applied; and if he had not entirely forgotten what passed at that time, the right hon. Baronet had distinctly stated, that he did not expect the House to concur in the prayer of that petition; and that he did not think it reasonable, that in deciding upon a general measure, they should allow the provisions to be rendered partial or incomplete by consulting the wishes of each individual town. He believed that had been the argument of the right hon. Gentleman, and, upon the same principle, in corporation towns of Ireland, when they were driven to the alternative of allowing them to elect Commissioners to manage their affairs, or to place them under the management of the Crown, he would say that they should elect their own Commissioners. The other argument of the right hon. Baronet was, that municipal institutions were not necessary to local government. The right hon. Baronet had accounted for this by telling the House that Manchester was as near Liverpool as Dublin was. He was surprised to hear an argument which bore upon its very face so obvious and palpable a fallacy, from a Gentleman so distinguished in that House as the right hon. Baronet. He contended that local government in the sense in which his noble Friend used the expression, that was, local government by the parties themselves who were interested, did necessarily imply either municipal institutions, or something analogous to them. The right hon. Baronet said, that municipal institutions were not universal in England. He maintained that they were; at least, either municipal institutions, or something analogous to them. With regard to boards of management, where Corporations now existed, the ground was not left free from municipal institutions of this description; the Corporations performed certain duties that invaded the functions discharged at Manchester, by Local Boards, aad prevented any opening for similar institutions. The right hon. Baronet had pressed on the House the case of Dublin. If that city had no property, its affairs might be managed satisfactorily without a Corporation, by some such machinery as Manchester. At the same time he must be permitted to express a doubt, and, if he were not mistaken the right hon. Baronet had last year expressed the same doubt, whether the affairs of Manchester would not have been far better managed than they had been—whether the local government of the country would not have been greatly improved, had it possessed for some time back a well-organised corporate system, in the strict sense of the term. By abuses in the old corporations the institution had been rendered odious to the people, and it required some time to eradicate the hatred which those abuses had excited. Where Corporations existed, it was absolutely necessary that the management of their affairs should be transferred to some other hands. He would ask the right hon. Baronet if the case of Manchester presented any parallel to the indignity which would be offered to the citizens of Dublin by taking out of their control the 34,000*l.* of corporate property now belonging to them, and giving it to the Commissioners appointed by the Lord-Lieutenant? Was the case of Manchester at all analogous to such an outrage as that? If the right hon. Baronet could have shown that that town possessed large property, and that its inhabitants were not allowed to elect by free and unbiassed voice the managers of that property, but that, on the contrary, his noble Friend, the Secretary of State, sent down any body he pleased to dispose of it, and to administer municipal concerns, then indeed the parallel might have some force. That not having been proved, the right hon. Gentleman's case entirely broke down, and the instance of Manchester, adduced by the right hon. Gentleman, was decidedly favourable to his argument. The right hon. Baronet had, with that cautious dexterity which he well knew how to employ in a difficult case, glided over some of the provisions of the Bill. Did the right hon. Baronet forget that it not merely changed the management of corporate property to Commissioners nominated by the Crown, but that it enabled the existing members of those close and rotten Corporations which they were about to abolish, where they happened now to be, by virtue of their office, members of Local Boards, to continue in those situations? He (Lord Howick) had seen a letter printed and circulated among the Members of that House by a gentleman who was a native of Ireland, Mr. French, which stated the dues annually levied in the city of Cork at these sums;—corn-market rate, 2,700*l.*; wide-street rate, 8,000*l.*; pipe rate, 1,500*l.* The management of all this revenue, and of the other important business of the town, would, under the provisions of the amended Bill, be confided not to persons under local Acts, but to at least a large proportion of the members of the present Corporations. It was true, that members of the existing Corporations frequently acted jointly with members chosen by the citizens, or trustees appointed in various modes; but in all those cases the old Corporations were constituted by an Act of Parliament joint managers of these concerns; and the right hon. Baronet, instead of allowing the citizens to succeed to that management, held by those who only derived their title to it from faction, would actually confer such offices in every borough on the existing holders of them. If any thing like this had been proposed last year in the English Bill—if it had been proposed that the defunct Corporation of Liverpool should remain in the situation of trustees for the docks and other vast establishments in that town—if any provision of that kind had been introduced in the Bill of last session, if they had virtually continued Corporations while they nominally abolished them, how would it have been received by the people of England? The question before the House was simply whether the large and flourishing towns of Ireland were to be intrusted with the management of their own concerns. There was no longer any pretence for the various arguments advanced, when the measure was first brought before the House. They had been told that they ought not to interfere with the administration of justice; that Belturbet and Middleton were insignificant towns; and that the provisions of the Bill would be extended to many others equally trifling. Any one who had listened to the right hon. Baronet's speech would have gone away under the impression that the English Bill had proposed to place the administration of justice in the hands of persons popularly elected. So far was that from being the case, that it was expressly and repeatedly stated, that they proposed to take all the duties connected with the administration of justice out of the hands of persons chosen in this way; and the only point on which a difference on that subject existed, was the one comparatively trivial question of the appointment of police. There was an end, then, of this objection. He well remembered the appalling picture which the glowing eloquence of the right hon. Baronet had drawn, on the second reading of the Bill, of the consequences which would flow from the supposed enactments on this head, and how he had alarmed the imagination of the House by the misery and oppression he had represented as likely to result from them. But that picture was not a representation of the facts. It was proposed to deprive the towns of Ireland of the direction and control of their own affairs; and the grounds for the proposition were stated with more of candour than of a prudent or conciliatory spirit. He had asked the right hon. Baronet distinctly and pointedly, if he adopted the declaration made by a distinguished member of his party, if that was his reason for supporting the amendments of the Lords. It struck him, and he believed it must have struck the House, that the right hon. Gentleman had carefully and studiously avoided returning a direct answer. The right hon. Gentleman had indeed declared that he was not influenced by any national prejudices. They had been told, that it was childish to think of giving English institutions to Ireland, because they were now legislating for a country three-fourths of whose inhabitants were aliens from us in blood, aliens from us in religion, differing from us in language, and longing for an opportunity to throw off our yoke. Now it did not follow, even supposing the right hon. Baronet to concur in this description of the Irish people, that he felt towards them any national antipathy. It was quite conceivable that a humane and benevolent conqueror might be perfectly aware that feelings were entertained by his subjects, and yet bear no enmity against them, and he could not help thinking, from the right hon. Baronet's argument, that feelings analogous to these existed in his breast. The right hon. Gentleman, he knew, felt nothing like national antipathy; he was sincerely desirous of obtaining what he considered the welfare and prosperity of Ireland; but he had not disavowed an opinion he was sorry to hear from such high authority, that for the welfare of that country legislation must be conducted, not upon the principles of a free constitution, but upon those alone which were applicable to a conquered and degraded country. Why was it that the right hon. Gentleman was so much afraid of lodging power in the hands of the people of Ireland, except he really in his heart believed, though far too cautious to have avowed it in such plain and direct language as was used by another, that the Irish people must be governed by the stern means of compulsion, and were to be debarred from the right of self-government? Let the right hon. Baronet beware how he adopted such a theory of legislation; let him remember that, by avowing distrust and suspicion, he would very speedily arouse in the bosoms of Irishmen those feelings which he had shown to pervade his own. If we treated Ireland as if she were kept in subjection only by violence, as if we feared and distrusted her, we should soon have ample cause for that fear and distrust, and she would be indeed reduced to the condition of a conquered province, watching with jealous solicitude every opportunity of throwing off the yoke. In the first moment of danger and distress, when the first cannon-ball was fired against England, we should have much cause to rue conduct so ungenerous. The right hon. Baronet knew, that even if he wished it, he could not act consistently upon such principles. He could not deprive the Irish people of those rights with which the English Constitution had invested them; he could not prevent them from exercising their privilege of freely electing their representatives in that House; he could not interdict them from the right of meeting in public and petitioning the Legislature; and, when the right hon. Baronet spoke of agitation, he would ask him which was most to be feared, that of the town-council of Dublin, or that of the Corn-Exchange with the hon. and learned Member for Kilkenny, armed with this most exciting and dangerous topic, a deprivation of municipal institutions? The hon. Member might tell his countrymen, "the injury was inflicted because you are aliens from England; it was on that principle that the Imperial Parliament legislated, and I am here to call on you to vindicate your country from the insult and the wrong which has been heaped upon it." Establish local councils, and peace and quiet would follow. Men's minds would be occupied by the management of the corporate property, and the regulation of municipal affairs. They would practically experience the value of subordination and concord, and acquire all the virtues necessary for the full enjoyment of free institutions. The plan of the right hon. Baronet appeared to him to concede to the people of Ireland all those powers which would enable them, if so disposed, to injure and weaken England; and yet it would have the effect of embittering their minds, and provoking them to abuse the boon. The right hon. and learned Gentleman opposite said, that Ireland needed only domestic repose and rational liberty, security for person and property. He would ask the right hon. Gentleman how it happened that Ireland actually reckoned those blessings among those which she wanted, instead of, as in this country and Scotland, among those which she possessed. It was because the people of Ireland had been for centuries treated as aliens in blood. It was in the present state of Ireland that they were reaping the bitter fruits of that very principle of legislation, and he called on them, if they wished to see a better state of things arise, if they wished to see Ireland gradually raised to an equality with this country in civilization, in prosperity, and in tranquillity, to show her that they trusted her, that they had confidence in her, and were ready to extend to her that blessing which in every part of England was now enjoyed—the management of their own local affairs.

Mr. *O'Connell* entreated the House to bear with him, since, though he was extremely unwilling to trespass on their attention, yet he did not know that he could properly avoid it. He might have an appeal to make to the people of England, and he could not make that appeal to them without having first tried what he could do in the House. It might be little, but he was the advocate of his country, and it was his duty to make an appeal to that House in the first instance. He might be sneered at, but he demanded justice for Ireland. The Lords presumed to sneer at him when he mentioned the word, but he must have justice for Ireland, and they might sneer at him as they would. Scotland had municipal reform, England had municipal reform; and yet they presumed to refuse it to Ireland. What cared he what pretext they made? He cared for none they had: the right hon. Baronet (Sir Robert Peel) had not one remaining. He gave them an anachronism instead of a speech: he pronounced a discourse that would have been very applicable when he resisted the Municipal Reform Bill of the last session. It would not have been prudent in the right hon. Baronet to have insulted the people of England with such a speech, for then there would have been little chance of his future restoration to office; but the right hon. Baronet now hoped to get back to place by trampling upon the people of Ireland, and by rearing up again that ascendancy which through the right hon. Baronet's instrumentality and assistance the people of Ireland had put down. He appealed to the House for justice to Ireland. England had reformed corporations; Scotland had reformed corporations; Ireland had applied for reformed corporations; the House of Commons had granted her application; the House of Lords had refused it, and the collision had at last arrived. It was an advantage undoubtedly to destroy the present Irish Corporations; but destroying them, and telling the people of Ireland that they had no materials for re-constructing Corporations among them, did they not draw a contrast between the people of Ireland and the people of Scotland and England much to the credit of those two countries, and much to the degradation of the people of Ireland? The collision had come. The House of Commons had determined that the Irish should not be degraded. The House of Lords had determined that they should be degraded. Be it so. It was said, that as soon as the House of Commons was reformed, it would seek a quarrel with the Lords; that the influence of the democratic principle would be so great and powerful, that the Members representing the democratic part of the community would anxiously seek for a collision with the other House of Parliament, and would thus make another revolution necessary. That prophecy had been completely falsified. The Hoe of Commons had been forbearing in the extreme—in order to avoid a quarrel, it had exhibited too great humility to the House of Lords, and it had therefore been insulted by that House, and absolutely defied to the collision. The Bill sent up to the Lords was a Bill for destroying all the Corporations which had abused their trusts, but it was also a Bill for reconstructing them on a plan which would have let into them all sects and classes of the people. That plan would not have let in the Catholics of Ireland and kept out the Protestants. That plan was founded on the principle of property. That plan gave to property municipal functions, and as the Protestants of Ireland possessed the greater part of the property of Ireland, the Bill founded on that plan was a Protestant Bill. The House of Lords, however, had declared that the people of Ireland were not competent to manage their own affairs. They had therefore altered the Bill, had substituted for the reconstructed Corporations a Board of Commissioners, and had taken care to preserve the worst part of the existing Corporations for the management of charitable and all other trusts—for, though the House might not be aware of it, there was a clause in the Bill by which those persons who were now mayors, aldermen, or sheriffs should, from the 1st of January next to the end of their natural lives, be trustees for every charity under the management of the defunct Corporations. [No, no.] He said yes, yes. But why did he enter into these details? [Read.] He would make those who cried "read, read," a present of the clause. He believed that some of those who cried out "read, read," raised that cry because they did not know how to read themselves, and wanted him to perform that task for them. There could not be the least doubt that the alterations made by the House of Lords in the Bill sent up to them by the Commons, had been made for the purpose of placing the people of Ireland in a most insulting position. Had he seen it written by any man—had he heard it said by any man, that the people of Ireland were aliens to the people of this country in blood, in language, and in religion? Had any man had the inconceivable atrocity to use that language respecting his countrymen? If any man had been guilty of that audacity, depend upon it, he would also have the unparalleled meanness to deny it. Sorry was he to say it, but he had heard with his own ears those expressions used by a noble and learned Lord, and so, too, had twenty-five hon. Gentlemen, whom he saw at that time sitting near him. Those expressions, unfortunately, formed the basis of the legislation of the House of Lords. It might, perhaps, be thought that some Irish agitator had hired the noble and learned Lord to use that taunt, to employ that language. He did not know that such was the case; but had he hired the noble and learned Lord to labour in the work of agitation, the noble and learned Lord could not have used expressions which would serve an agitator's purpose better. There was no covert taunt in them—there was no hypocrisy in them—there was no plausible pretence about them. The person who used them had intended to insult the people of Ireland, and he had insulted them; and yet when the right hon. Baronet was asked, and pointedly asked too, whether he had adopted the same sentiments, he would not state explicitly whether he had or not. The leader of his party in the House of Commons was too discreet a Gentleman to quarrel with the leader of the same party in the House of Lords. He beat about that declaration, and he beat around it; but he took good care not to mix himself up with it; and yet it was upon that self-same declaration that all the legislation of the right hon. Baronet in the present instance was founded. And then hon. Gentlemen, and right hon. Gentlemen talked to him of the fifth article of the Act of Union guaranteeing the preservation of the Church of Ireland. Did that article say that the union between the two countries should not be an union of mutual interests and rights? He had repeatedly declared his opinion on the subject of that union. It was an union hatched in fraud, and brought forth in blood, for which a rebellion was first fomented, and afterwards made to explode, in order that in the weakness of national distraction an unprincipled faction might put down the national liberties. An equalization of civil rights was promised; and it took the Irish twenty-nine years of agitation to extort the performance of that promise, and the very first opportunity that the House of Lords had to render that performance nugatory, it gladly seized on it, in order to make an insulting distinction between the Catholics and Protestants of Ireland. The two Houses of Parliament had thus come to the collision, and that man was undeserving the name of a statesman who did not look calmly and steadily at the prospect then before him. They had heard the hon. Member for the city of London in the early part of this evening—

and he had none of the warmth and animation of an Irishman about him—but, in the cool language of philosophical abstraction, he this night told the House, "The question which you have now reduced the people of England to the necessity of determining is this—shall the House of Lords continue to be irresponsible to public opinion operating upon them through its representatives in the House of Commons, and shall it continue responsible to nothing but the wild caprice of some of its Members, the indiscreet enthusiasm of others of them, and the national antipathy entertained by a third portion of them against an essential ingredient in your empire?" It was the House of Lords who had raised this question,—it was for the people of England to decide it. Depend upon it the people of Ireland would never submit in quiet to insult. They had submitted for centuries to tyranny, but they would not submit with patience to insults. They would do nothing violent, nothing illegal; they would confine themselves within the limits of the Constitution; they would agitate, agitate, agitate, until Ireland was organized peaceably and legally as it was before; and he trusted that the people of Ireland would have responsive England joining them in the cry of "Justice to Ireland." He defied the House of Lords to keep from Ireland municipal institutions. They might, indeed, delay the arrival of them, but keep them from the people of Ireland the Lords could not. The noble Lord opposite, too, must have his fling at Ireland, and no wonder, for he hated Ireland, and had injured it too deeply ever to forgive her. He it was who first suggested this legislation of the Lords—the idea of it came first from him, and it was worthy of him. He was delighted that the suggestion was the noble Lord's; in coming from him it came from the proper quarter; and did he think that Ireland would be reconciled to these amendments of the Lords, because they happened to come from his suggestion? He would not, at that late hour of the night, pretend to go through the arguments by which hon. Gentlemen defended, or rather palliated, this insult to Ireland. It had been said, that this Bill offered no compromise to the Lords. True, it did offer them no compromise, but it offered them what they wanted—a *locus penitentiæ.* If this Bill had compromised any of the principles of the first Bill, no one would have opposed the Government plan more strenuously than he would have done. It had been well said by an hon. Friend of his, that there was no express understanding between the party with which he acted, and the Government to which that party gave its support; but there was this implied understanding between them—that that support would be withdrawn the very first moment that the Government consented to an insult to Ireland. Why did he support this Municipal Bill? Because it contained no compromise of the original Bill—because it raised a mere question of detail, as to whether thirty-two or fifteen towns required municipal institutions. That was a fit question for future discussion; but if the plan of Government had compromised any principle, it would have been our duty to have opposed the Government, and heartily and strenuously should we have done it. The principle of the Bill had been most ably advocated by two noble Lords, who were members of the Cabinet, and by his right hon. Friend, the Attorney-General for Ireland. He meant what he said when he called that hon. and learned Gentleman his friend; he meant not such friendship as was bandied across over the table by a noble Lord, who hated his noble Friends on this side of the House exceedingly. He was proud of the manner in which his hon. and learned Friend, the Attorney-General for Ireland, had denounced for himself the atrocity of the insult offered to Ireland in the speech of the noble and learned Lord to which he had already adverted. He and his friends stand on a principle. Against that principle the first Member who had broken a lance was the hon. and learned Member for Exeter, the Solicitor-General of the late Administration. He had entered into an examination of the Bill, and by his examination of it had proved that he had never read it, and that he knew nothing of the population of the towns in Ireland to which it was to apply. That hon. and learned Member had said that he was a friend to Ireland. No, he was not; neither was he a friend to England, for everybody knew him to be a Tory to the backbone. The hon. and learned Gentleman was not in Parliament at the time when the Reform Bill was passing through it. He had therefore not spoken nor voted against it. But what had he done when the English Municipal Reform Bill was before the House? He had made speeches against the extension of the franchise granted under it; and he had supported by his vote, if not by a speech, that clause which made the rights to municipal office depend, not on the worth, not on the intelligence, not on the activity of the individual, nor on the free, open, and unbiassed selection of his fellow-citizens, but on the paltry possession of a paltry sum of money. After him came the hon. and gallant Member for Donegal, who would deny municipal rights to the people of Ireland because they were ignorant. Look at his own speech, and see what a specimen of classical education it presented—what a mirror of literature it was. That hon. and gallant Member had said, that a learned sergeant had gone to Dublin to agitate, in company with two culprits who had been turned out of Kilmainham gaol by the royal clemency, for the express purpose of agitation. He thanked the hon. and gallant Member for reminding him of that circumstance, for it led him to ask for what were those two culprits, as they were called, put into gaol? For having had the insolence to keep the peace—nothing more. They had been indicted for a breach of the peace, and on their trial they produced several police-officers, the magistrates at the head of the police, and the officer commanding the military detachment that day on duty, to prove that they used the most anxious exertions to preserve the peace; and those witnesses proved that fact: and yet these two honourable and respectable gentlemen were convicted. How? By a corporation jury, selected by a corporation sheriff, and by a partisan judge, who presided on the bench. There was a foolish superstition about the sacredness of the ermine on the bench. But had the judge in that case acted with impartiality? No. He had not; and had not Lord Mulgrave said the same? for he had not consulted that learned judge when he determined to extend to those two respectable gentlemen the mercy of the Crown? He thanked the noble and gallant Member for reminding him of that conviction, for it showed better than any other instance which he could recollect what the Corporations of Ireland were. It was rather an extraordinary circumstance that all the speakers on the other side of the House had concurred in describing the Corporations of Ireland at the present moment as exclusive, bigotted, monopolizing, oppressive, and full of every description of abuse and impurity; and yet the right hon. Baronet, who now declared that he would not give reformed Corporations to the Roman Catholics of Ireland, had been toasted and supported by those Corporations, and had complimented and eulogised them in return, when he was Secretary of State for Ireland. Where was his sense of their impurity and corruption then? The right hon. Gentleman, too, (Mr. Goulburn) who now sat near the right hon. Baronet, as the representative of the learning and piety of the University of Cambridge, had also been Secretary for Ireland. He, too, had borne testimony to the abuses existing in the Corporations of Ireland: and yet he had lifted up his pious eyes to Heaven and had allowed the corruption to go on from year to year uncorrected and unredressed! On a former evening he had seen a batch of four or five ex-Secretaries for Ireland seated close to each other, who had all seen and enjoyed the corruption of the Irish Corporations—who had done nothing in their official capacities to remove it—and who now came forward to write eprigrammatic epitaphs upon them, because they were at last about to be consigned to the grave and rottenness which was so congenial with their nature. Then came the hon. and learned Member for Sandwich, who observed that he did not believe one word that he (Mr. O'Connell) said. He thanked the hon. and learned Member for the compliment. The hon. and learned Member had talked about a mountebank. Now, he would tell that hon. and learned Member, that there was no mountebank so amusing as the grave one who spoke dogmatical sentences in oracular tones, and who, with serious face and pompous labour, undertook to prove what everybody knew, —namely that two and two make four. He begged the hon. and learned Member not to believe a word he said. Let him continue to believe himself a very Solomon of patriotism, intelligence, and truth; and with a perpetual grin on his face, from not knowing whether the House was laughing with him or at him, to drawl out in solemn tones his tedious truisms. He next came to the speech of the hon. and learned Member for the University of Dublin. That hon. and learned Member was stout enough to be very manly. He recollected right well, that on that hon. Member's offering an insult to his valued friend Mr. O'Dwyer, when Mr. O'Dwyer retorted on him in a becoming manner, the hon. and learned Member said that he was a judge. Yes, he said he was a judge; and as you protected him as a judge, you shall now judge of the value of his testimony. The hon. and learned Gentleman said, that there was no corruption in the Corporation of the city of Dublin. He did not deny that that Corporation was bigoted and exclusive—he did not deny that it was fitting that it should be put an end to—but he denied that it had been guilty of corruption or of anything like corruption. He should like to know what the hon. and learned Gentleman called corruption. Was the sale of judicial offices corruption? The hon. and learned Gentleman was the keeper of the conscience of the Corporation of Dublin? But before he remarked upon their sale of judicial offices, he would introduce the House to a knowledge of their management of the charities under their control. There was the Blue-coat Hospital. The funds of that hospital amounted to 1,900*l.* a-year, and were left to it for the support of old men and orphans. What amount of salary did the House think that the Corporation of Dublin took for itself out of those funds? Just 975*l.* a-year—that was all. There was, of course, no corruption in that. The hon. and learned Gentleman perhaps never checked the accounts by which 975*l.* was granted in salaries to the Corporation of Dublin for managing the 925*l.* a-year which was left to the old men and orphans dependent upon them, and yet, if he was rightly informed, it was the duty of the hon. and learned Gentleman to have looked strictly into those accounts. He came next to the office of Lord Mayor. The report of the Irish Municipal Corporation Commissioners on the Corporation of Dublin stated, that the Lord Mayor of that city exercised an extensive jurisdiction within it, and was in the habit of farming out to his secretary, for stipulated sums, the fees accruing to him from that jurisdiction. In some years the fees had been farmed out at 350*l.* He was also President of the Court of Conscience, and as such he got 1,200*l.* a-year, thereby becoming, like the Don Fabricio of *Gil Blas,* rich by looking after the affairs of the poor. The Commissioners reported that the practice in this Court had given rise to serious abuses. After stating, that when a cause was once decided it might be rehearsed, the Commissioners used this language,—"In case the defendant wishes to contest the justice of the order, he may do so by a rehearing of the cause. The practice of the Court, as to this power or privilege of rehearing, is very peculiar and extraordinary, and is, we apprehend, too much the result of that pecuniary interest in the increase of business in the Court which all its arrangements give to the judges and officers. If the case is decided in favour of the defendant on the original hearing, he may take out an order for a dismiss, for which a fee of 5*d.* is charged, but he cannot, on the order, recover this fee, or any fees he may have paid for swearing witnesses. For these costs, if he seeks to obtain them from the plaintiff, he must take out and serve an original summons, with the usual fees, &c. The whole course of these proceedings appears to us to have no useful object whatever in reference to the suitors of the Court, and to tend to no purpose but the encouragement of petty and vexatious litigation, and the consequent increase of emolument to the judges and officers." This he supposed was no corruption; it was only farming out the fees of a judicial office. If it were an earlier hour of the evening, he would show the manner in which processes were multiplied to increase the amount of fees. It was reported that in the course of the last twenty years the amount of fees in this court of conscience had been doubled. Had the hon. and learned Member for the University of Dublin, during the period he had acted as Recorder of Dublin, ever suggested any remedy for these abuses? If he had done so, the sun had never shone upon his good deeds. Again, there was the office of grand jurors. They exercised control over a taxation amounting upon the average to 30,000*l.* a-year. How did they exercise it? Look at the Report of the Commissioners. Then there were the sheriffs and sub-sheriff. The sheriffs had scarcely any duty to perform save that of farming out the office of sub-sheriff, who collected their fees—and how they were collected the Commissioners had reported at length. ["*Question.*"] Ay, question. No one cried out now "*Read, read,*" for the subject was too unpalatable, and yet all the time that the hon. and learned Gentleman had been in office, the Recorder of the city of Dublin, who in that House exclaimed, "*fiat justitia, ruat cœlum,*" had seen these most corrupt and extortionate practices going on, and, to the best of his knowledge, had done nothing to check them. Nay more, it had been stated to him that the deeds authorising the exaction of the fees in the Sheriffs' Court had been laid before the hon. and learned Gentleman for perusal, and that he had given them his sanction by not objecting to them. Here he would stop to ask how the hon. and learned Gentleman contrived to get his office of recorder? He had only been five years at the bar at the time, and if he had ever held a brief in court, it had not fallen within his observation, though he had been daily practising in all the four courts. And yet after that short experience in his profession the hon. and learned Gentleman had been appointed to a judicial office from which he derived an income of more than 2,000*l.* a-year. How, he would again ask, had the hon. and learned Gentleman obtained that appointment? By cultivating the passions and bad prejudices of the corporators who elected him. The hon. and learned Gentleman had last night made a speech justifying the House of Lords in withholding Municipal Corporations from the people of Ireland. And why? He would shortly explain the why to the House. The corruption of the Corporation of Dublin was abominable, and the hon. and learned Gentleman had no right to stand up as its exculpator. He had, however, a direct interest in standing up for it in that character, for the reformed Corporation of Dublin, were the facts proved which he had just now stated to the House, would have a right to ask it this question—"Shall this man continue to be a judge for another hour?" Longer than he was warranted, he had spoken in that House of the impartiality displayed by the hon. and learned Member for the University of Dublin in his character as a judge. When he returned to Ireland, everybody blamed him for the language which he had used in the House of Commons respecting the judicial conduct of the hon. and learned Member; and decidedly he had been in the wrong: for the hon. and learned Member was become a judicial agitator, and that circumstance had made an impression on the public mind against him which nothing could wash away. They had heard, too, the practice of packing corporation juries defended in that House. Now, he asked whether men who avowed that they had been participators in such practices were authorised to tell that House that the people of Ireland were not entitled to enjoy the same institutions with the people of England, and were unworthy to exercise local self-government? What was the reason? Because they were Roman Catholics. Others said, and among them the Member for Yarmouth, that the reason why municipal institutions were to be refused to the people of Ireland was, that that they would give additional influence to him! Alas, poor Gentleman! The plan by which that learned Gentleman would destroy the influence which his countrymen allowed him (Mr. O'Connell) to exercise over their minds and feelings would augment it tenfold. Another Gentleman had said that the general unfitness of the people of Ireland for self-government was a sufficient reason for this refusal. The right hon. Baronet, the Member for Tamworth, had talked of the old building having been applied to bad purposes, and had objected to rebuilding it, lest when rebuilt it should be applied to the same bad purposes. Others had said, that the Members of the Irish Corporations ought to be Protestants. In reply to that, he said, that from the existing Corporations of Ireland Protestant intelligence, Protestant respectability, and Protestant wealth, were as effectually excluded as Roman Catholic intelligence, Roman Catholic respectability, and Roman Catholic wealth. The detected peculators of the existing corporations were Protestants only in name. They, had, in point of fact, no country and no religion—they had, in fact, nothing but the hope of future plunder to give up—and yet the right hon. Baronet said, "the Protestant Corporations were willing to give up that, over which the Protestant population of Ireland had, in point of fact, no control at all." He had detained the House longer than he had intended, and than he wished. He stood, however, before the House in firm defiance of the injustice of declaring by legislative enactment the inferiority of Ireland. He cared not what sneers were cast, what sentences were drawled out against him, whilst he was performing that duty to his country. He cared not what lawyer was pitted against him, for he would oppose to the utmost every attempt to special-plead away the liberties of Ireland. He stood on the firm and immutable principles of justice. We either have an union with you or we have not. If we have not an union, give us back our national Parliament—if we have an union give us the benefit of it. He thanked the House of Lords for choosing this Bill as the ground of collision with that House. He thanked them for branding the people of Ireland as aliens to it—he thanked them for thus barbing with insult their dart of death. The Lords might have made the collision on a matter of religion, and thus have made another ineffectual attempt to get up a "No Popery" cry; but they had not even had the talent to choose a good ground on which to fight their own battle. They had put their quarrel on the ground of liberty, a ground which was clear and intelligible to all. The people of England must, therefore, either proclaim the people of Ireland to be unfit for corporate institutions, or they must join us in the collision, and in that collision the people of the three kingdoms could not be unsuccessful. They might fancy, that though he knew the mind and temper of the people of Ireland, he knew nothing of the mind and temper of the people of England. They were mistaken, for day after day he saw in the calm and deliberate judgment of that people the progress of the question of justice to Ireland, and the necessity of another organic reform. He saw no hope for Ireland without that reform, for the Irish ascendency party had got the ears of a majority in the House of Lords. When defeated in that House, they talked of another place, in which they were certain of succeeding. They were true prophets. The House of Lords had taken its part; the House of Commons were now doing the same; the people of England would determine between them, and might God defend the right.

Lord *Stanley* thanked the hon. and learned Member for Kilkenny, in the name of the House, and also in his own name, for having, by the speech which he had just delivered, rendered it unnecessary for him to detain the House longer than a single minute. For the hon. and learned Member—he who for the twentieth time this evening had commented on an expression which he was not prepared to vindicate or concur in—the hon. Member who had commented on what he had been pleased to call the intemperate language of that side of the House—he from whom language had issued respecting that House, which he would not insult it by repeating—the hon. Member from whom he had heard that language come the other day respecting that noble and learned Lord on whose expressions the hon. and learned Member had been that night commenting; the hon. Member whom he had heard, used language which had been reported, but which he would not pollute an assembly of gentlemen by repeating, because he knew that no gentleman could have used it. The hon. Member thus commenting upon an expression, of which he (Lord Stanley) would not be the apologist, used throughout his speech on this question no one argument, no one reason, no one plausibility of argument; for the whole of his speech from first to last had been a tissue of personal attack on one gentleman after another, on matters wholly unconnected with this Bill, and had been delivered in a tone, and temper, and manner, which he would only say that he should be degrading himself and disgracing the House were he to waste its time in commenting upon. With these observations he should leave the speech of the hon. and learned Member for Kilkenny, and should address himself to a speech delivered in a far different tone by his hon. Friend opposite [*cheers, particularly from Mr. O'Connell*]. He understood the nature of that cheer, and he knew well that the hon. and learned Member for Kilkenny could not believe that private friendship could exist where there was political animosity. Was not that the meaning, he would ask, of the hon. and learned Gentleman's sneer? [Mr. *O'Connell*:—I will give no answer.] He would only say, that his hon. Friends opposite knew him better than the hon. and learned Member did. His hon. Friend opposite, when pressed by the argument, which came forcibly upon him, and forcibly upon the House, with respect to the total alteration made in the Bill then before the House—how it could be called a compromise, he for one could not conceive—his hon. Friend, he said, when pressed by the argument relative to the introduction of that provision into the Bill, which compels a number of towns to take upon themselves the provisions of the Act of the 9th of George 4th, had, undesignedly no doubt, misrepresented it entirely. The argument of his right hon. Friend was this—that it was not like local self-government to impose on those towns Corporations, whether they liked them or not. That was not the argument of the right hon. Baronet. The argument of the right hon. Baronet was this—that of the two principles, that was the least objectionable which left to the people of any particular town to say whether they would or not take on themselves the provisions of a particular Act of Parliament. For in what manner did they who were said to do away with all local and municipal government interfere with the provisions of the 9th of George 4th? What were the provisions of that Act? The most liberal principles and the most extended constituency. It gave the power of levying rates—it made provision for lighting, cleansing, paving, and watching the different towns which thought fit to adopt it. He was not going into the details, but what practically was the difference between the Government and the opposite side of the House? The Government proposed to compel a certain number of towns to adopt the provisions of that Act, while on the other hand, the Opposition left the Act to be adopted by them at their own discretion. They did not quarrel with it—they did not canvass its provisions, they took it as they found it, and so far from doing away with it, they left every town in Ireland full and unconstrained liberty to avail themselves if they pleased of its various provisions. But his noble Friend said, some provision must be made on the abolition of the Corporations. No doubt, upon that point they too were agreed, but, at the same time, they presumed to think that there might be provisions which would be more acceptable to towns than those pointed out by the Ministerial plan. All parties agreed that the Corporations should be extinguished, and that some body should intervene for the purpose of making those temporary arrangements which might thereby become necessary. They proposed Commissioners to be appointed by the Lord-Lieutenant; but, said his noble Friend, that was an arbitrary principle, which he could not undertake to force upon those towns. Why, they did not propose to force it upon towns. They might perhaps prefer the 9th of George 4th; but if they wished the introduction of Commissioners to enable them to wind up the affairs of their Corporations, they might, under the Lords' amendments, avail themselves of that advantage; that on the one side was the arbitrary, despotic, tyrannical plan, which left towns to their own discretion, and the liberal, comprehensive, and not at all despotic principle of His Majesty's Ministers, which saddled them with all the provisions of a particular Act of Parliament whether they would or not. That was the difference. But his noble Friend said they talked of the Commissioners as being of a temporary character only. Now he had examined the Bill, and he found no provision that, at the end of three, four, or five years, the power of the Commissioners should cease and determine. It was absolutely impossible to fix any such period; but he found throughout the whole frame and machinery of the Bill, provision made that within a short time they should report; that, in fact, they were only *locum tenens* until some further provision were made; they were to report on the state of the funds—the condition of the boroughs—the amount of the property, &c., to the Lord-Lieutenant, to be by him submitted to Parliament for further regulation and control. But his noble Friend asked what had been done in the case of Liverpool? You continue, said his noble Friend, all the worst parts of the system, because you continue Corporations in office up to a certain time. How long? Permanently? By no means; only until Parliament shall otherwise provide, was the affirmation and provision in each particular case. But if you continued the Corporations, said his noble Friend, the trustees of the docks of Liverpool, what a clamour would have been raised? Why, in point of fact, they did so, until Parliament made provision for a new body. Yet they did not find Liverpool grievously complaining of it; on the contrary, he believed it was on the motion of his noble Friend, the Member for Liverpool (Lord Sandon) that the very provision in question had been adopted. [*Mr. Ewart dissented.*] The hon. Gentleman surely did not mean to deny that the object of the Liverpool Docks' Committee was to provide only a temporary body for the management of the docks' estate—that the provisional arrangement last year would terminate at a definite period this year, and that it would be necessary to come to Parliament for its future regulation? The only difference with respect to the charitable trusts under this Bill and the English was, that in the one case, provision was made until a definite day, the first of January, or until Parliament should otherwise provide; and if before a certain period Parliament should not decide, then their management was to rest in the Lord Chancellor; whereas in the other case, the present trustees were continued until Parliament should otherwise provide, and if any vacancy arose, the Chancellor should fill it up, without, however, fixing a particular day for taking the whole management. But he would not weary the House by entering into details; he admitted to his noble Friend opposite, that there was a broad distinction in point of principle between them. He admitted that the House of Lords had adopted the opinion as to principle of the minority, a large, a considerable, and as he believed, no one would venture to dispute, a respectable minority, in point of station and character in that House. The Lords had taken that view of the case. The Commons had taken a different view, and as they were told the collision had already come. But he would not be tempted to revert to the hon. and learned Member's speech, who talked of collision and the dreadful effects which must follow. Nobody could estimate more highly than he did the importance of uniformity in principle and practice between the two branches of the Legislature; but at the same time nobody more highly valued the checks which the Constitution provided in their separate, co-ordinate, and independent existence and privileges for the prevention of crude, rash, and hasty legislation. Fortunately for England, there was in the country, there was in that House, there was in the other House of Parliament, too much good feeling, too much temper, too much sound judgment, too much of a due estimation of the evil consequences that would arise from a collision, which some hon. Gentlemen talked so lightly of, for him to entertain the slightest apprehension upon the subject. The Houses of Parliament had differed before, and might differ still, and the result had been, that each had taken time to consider the resolutions to which it had come, and if one party found they had gone further than the feeling of the country would support, as the other party might yield without going counter to the feeling of the country in the long run—for he did not speak of popular clamour excited in a day—he doubted not on the present, as on every other occasion, the good sense and temper of both Houses would find the means of reconciling their differences. He could not take on himself to say how those differences might be reconciled in the present instance, but certainly it became them to look to that in which they were all agreed. They were all agreed in this—that the present system of Irish Corporations should not continue. They were all sincerely desirous of getting rid of that system of religious and political exclusion which had characterised the Corporations hitherto existing in Ireland. All parties agreed—for there should be no quibbling about who were Destructives and who were Conservatives in this respect,—all parties agreed, and agreed equally, in abolishing altogether the existing Corporations in Ireland. The question was, what were they to substitute in their room for all the different purposes of local government? Of this he was quite sure, if the majority of that House should think fit to reject the amendments made by the Lords in this Bill,—if they should think fit to adhere by their present determination to their former vote upon this subject,—the question, the argument, and the truth, would not suffer even if the delay of another year should interpose between its final consideration and settlement. Was it absolutely necessary that municipal government should be established in all the towns of Ireland? It was, no doubt, difficult to argue this question at all without being subject to the charge of wishing to impose degradation and insult upon Ireland. First of all, it was an insult not to give to every town in Ireland the full extent of franchise enjoyed in England. What, then, had his noble Friend agreed to do already? Of the sixty Corporations which it was proposed to establish under the Bill as first introduced by the right hon. the Attorney-General for Ireland, but eleven or twelve remained, so that practically on fifty of them his noble Friend at once cast the insult without the least compunction. He, however, saw in it no insult at all. [*Loud cheers.*] He contended, that in the present state of affairs in Ireland it would be best for the interests of towns to have no municipal government; not that municipal functions should thereby be abolished, for there was not one of those towns in which it was proposed to confer the corporate franchise to the fullest extent, with the exception of Kilkenny, in which provision had not already been made by law for every kind of essential municipal management. His firm belief was, that the amendments proposed by the House of Lords would in the first place, mark the determination of Parliament to get rid of a great evil; and if the House of Commons would not agree to them, they must lose that advantage. The Lords had gone further, placing the whole property of the Corporations in Commissioners, and for a temporary purpose he would not hesitate to repose the trusts in the hands of his noble Friend opposite, those Commissioners to conduct their functions under checks which rendered particular abuses of corporate property absolutely impossible. There might be objections to Commissioners, but in the mean time they would furnish the best means for collecting information from the most authentic sources, and ascertaining what was the state of the different Corporations throughout Ireland, what the amount of their property, what the feeling of the inhabitants, and enabling them to judge whether at any future period they might with safety, justice, and wisdom, give them any larger measure of corporate privileges. They did not affirm that at no time, and under no circumstances, should Corporations be allowed to exist in Ireland; but merely that under present circumstances and the state of political and religious parties, in that country, the introduction of those means of good government, which had produced peace and harmony elsewhere, would be there the introduction of the means of discord and turbulence. Thinking thus, they felt themselves bound to adhere to their own opinions, however unpopular they might be in that House or in Ireland. Those on the other side declared they could not be called on to recede from the determination they had already come to in order to agree with the House of Lords; with what face, then, could they call on the minority—the large minority who had adopted his noble Friend's instruction to the Committee, to recede from their determination, not for the purpose of coming to a settlement of the question, but for the purpose of differing from the other House of Parliament? If there were any mode by which this question could be settled by mutual compromise, he for one should gladly avail himself of it. But the principle involved in it was too much to compromise; and therefore if called on to decide, regretting the decision to which the majority of that House had come—regretting still more if that majority felt themselves bound in honour to adhere to it—he must support what in his conscience he believed the peace and welfare of Ireland demanded, and adopt the amendments made by the Lords, which, while doing away with all real grievances and grounds of complaint, secured all corporate property from confiscation or mismanagement, and presented the means of good government to the people, and great practical control over their own interests in every town, under the 9th George 4th, or particular local Acts, which were to be continued in preference to the plan proposed by his Noble Friend.

The House divided on the question that it do disagree with the Lords' Amendments, when the numbers appeared:—Ayes 384; Noes 232—Majority 86.

List of the AYES.

Acheson, Viscount
Adam, Sir Charles
Aglionby, H. A.
Ainsworth, P.
Alston, Rowland
Andover, Lord
Angerstein, John
Anson, G.
Anson, Sir George
Astley, Sir J.
Attwood, Thomas
Bagshaw, John
Bainbridge, E. T.
Baines, Edward
Baldwin, Dr.
Ball, N.
Bannerman, Alex.
Barclay, David
Baring, F. T.
Baring, Thomas
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beauclerk, Major
Bellew, Rich., M.
Bellew, Sir P.
Bennett, J.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. G. C.
Berkeley, hon. C. C.
Bernal, Ralph
Bewes, T.
Biddulph, Robert
Bish, Thomas
Blackburne, John
Blake, Martin Jos.
Blamire, W.
Blunt, Sir Charles R.
Bodkin, J.
Bowes, John
Bowring, Dr.
Brady, D. C.
Bridgeman, Hewitt
Brocklehurst, J.
Brodie, Wm. B.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Buller, Charles
Buller, E.
Bulwer, H. L.
Bulwer, Edw. G. E. L.
Burton, Henry P.
Butler, hon. P.
Buxton, T. F.
Byng, George
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cave, R. O.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cayley, Edward S.
Chalmers, P.
Chapman, M. L.
Chetwynd, W. F.
Chichester, J. P. B.
Childers, J. W.
Clay, William
Clayton, Sir W.
Clements, Viscount
Clive, Edward Bolton
Cockerell, Sir C., bart.
Codrington, Sir E.
Colborne, N. W. R.
Collier, John
Conyngham, Lord A.
Cookes, T. H.
Copeland, W. T.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Crawley, Samuel
Crompton, Samuel
Curteis, Herbert B.
Curteis, Edward B.
Dalmeny, Lord
Denison, W. J.
Denison John E.
D'Eyncourt, C. T.
Dillwyn, L. W.
Divett, E.
Donkin, Sir R.
Duncombe, T. S.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. O.
Dunlop, J.
Ebrington, Lord
Elphinstone, H.
Etwall, R.
Euston, Lord
Evans, George
Ewart, W.
Fazakerley, N.
Fellowes, N.
Fergus, John
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, Robert
Fergusson, rt. hn. C.
Fielden, J.
Fitzgibbon, hon. B.
Fitzroy, Lord C.
Fitzsimon, Chris.
Fitzsimon, N.
Fleetwood, Peter H.
Folkes, Sir W.
Forster, Charles S.
Fort, John
French, F.
Gaskell, Daniel
Gillon, W. D.
Gisborne, T.
Gordon, Robert
Goring, H. D.
Grattan, J.
Grattan, Henry
Grey, Sir Geo., bart.
Grey, hon. Charles
Grosvenor, Lord R.
Grote, G.
Hall, B.
Handley, H.
Harcourt, G.
Harland, W. Charles
Harvey, D. W.
Hastie, A.
Hawes, Benjamin
Hawkins, J. H.
Hay, Sir A. L.
Heathcote, John
Heathcote, G. J.
Hector, C. J.
Heneage, Edward
Heron, Sir R. bart.
Hindley, C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hodges, T.
Holland, Edward
Horsman, E.
Howard, R.
Howard, hon. E.
Howard, P. H.
Howick, Lord

Humphery, John
Hurst, R. H.
Hutt, W.
Jephson, C. D. O.
Jervis, John
Ingham, R.
Johnston, Andrew
Johnstone, Sir J.
Kemp, T. R.
King, Edward B.
Labouchere, Henry
Lambton, Hedworth
Langton, Wm. Gore
Leader, J. T.
Lee, John Lee
Lefevre, C. S.
Lemon, Sir C.
Lennard, Thomas B.
Lennox, Lord G.
Lister, E. C.
Loch, James
Long, Walter
Lushington, Dr. S.
Lushington, Charles
Lynch, A. H. S.
Mackenzie, S.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marjoribanks, S.
Marshall, William
Marshall, Henry
Maule, hon. Fox
Methuen, Paul
Molesworth, Sir W.
Moreton, hon. A. H.
Morpeth, Lord
Morison, J.
Mosley, Sir O. bart.
Mostyn, hon. E. L.
Mullins, F. W.
Murray, rt. hon. J.
Musgrave, Sir R. bt.
Nagle, Sir. R.
North, Frederick
O'Brien, Cornelius
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor Don
O'Ferrall, R. M.
Oliphant, Lawrence
O'Loghlen, M.
Ord, Newcastle
Oswald, James
Paget, Frederick
Palmer, General
Palmerston, Lord
Parker, John
Parnell, Sir H.
Parrott, Jasper
Pattison, J.
Pease, J.
Pechell, Capt. R.

Pelham, hon. A.
Pendarves, E. W.
Philips, Mark
Philips, G. R.
Phillipps, Charles M.
Ponsonby, W.
Ponsonby, hon. J.
Potter, R.
Poulter, John Sayer
Power, J.
Poyntz, W. Stephen
Price, Sir R.
Pryme, George
Pusey, Philip
Ramsbottom, John
Rice, rt. hon. T. S.
Rippon, Cuthbert
Robarts, A. W.
Robinson, G.
Roche, W.
Roche, D.
Rolfe, Sir R. M.
Rooper, J. Bonfoy
Rundle, J.
Russell, Lord John
Russell, Lord
Russell, Lord Charles
Ruthven, E.
Sanford, E. A.
Scott, Sir E. D.
Scott, J. W.
Scourfield, W. H.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, Richard L.
Simeon, Sir R.
Smith, J. A.
Smith, hon. R.
Smith, Robert V.
Smith, Benjamin
Stanley, hon. H. T.
Steuart, R.
Stewart, Sir M. S. bt.
Stewart, P. M.
Strickland, Sir G.
Strutt, Edward
Stuart, Lord D.
Stuart, Lord James
Stuart, V.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. Hyacinth
Talfourd, Sergeant
Tancred, H. W.
Thompson, Paul B.
Thompson, Colonel
Thomson, C. P.
Thornley, T.
Tooke, W.
Townley R. G.
Tracey, Charles H.
Trelawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Turner, William

Tynte, J. K.
Verney, Sir H., bart.
Villiers, Charles P.
Vivian, Major
Vivian, J. H.
Wakley, T.
Walker, C. A.
Walker, Richard
Wallace, R.
Warburton, H.
Ward, Henry George
Wemyss, Captain
Westenra, H. R.
Westenra, hon. J. C.
Whalley, Sir S.
White, S.
Wigney, Isaac N.
Wilbraham, G

Wilde, Sergeant
Wilkins, W.
Williams, W.
Williams, W. A.
Williams, Sir J.
Wilmot, Sir J. E., bt.
Wilson, H.
Winnington, Sir T.
Winnington, Capt. H.
Woulfe, Sergeant
Wrightson, W.
Wrottesley, Sir J.
Wyse, Thomas
Young, G. F.

TELLERS.

Wood, C.
Stanley, E. J.

List of the NOES.

Agnew, Sir A.
Alford, Lord
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Baring, F.
Baring, H. Bingham
Baring, W.
Barneby, John
Bateson, Sir R.
Beckett, Sir J.
Bell, Matthew
Bentinck, Lord G.
Beresford, Sir J. P.
Bethell, Richard
Blackburne, I.
Boldero, Henry G.
Bolling. Wm.
Bonham, R. Francis
Borthwick, Peter
Bradshaw, J.
Bramston, T. W.
Brownrigg, J. S.
Bruce, Lord E.
Brudenell, Lord
Bruen, F.
Buller, Sir J.
Campbell, Sir H.
Canning, Sir S.
Cartwright, W. R.
Castlereagh, Viscount
Chandos, Marquess of
Chaplin, Col.
Chapman, Aaron
Chichester, A.
Chisholm, A.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.

Cole, Viscount
Compton, H. C.
Conolly, E. M.
Cooper, E. J.
Coote, Sir C. C., bart.
Corbett, T.
Corry, hon. H. T. L.
Crewe, Sir G.
Dalbiac, Sir C.
Damer, D.
Darlington, Earl of
Dick, Q.
Dottin, Abel Rous
Dowdeswell, W.
Duffield, Thomas
Dugdale, W. S.
Dunbar, George
Duncombe, hon. A.
East, James Buller
Eastnor, Viscount
Eaton, Richard J.
Egerton, Wm. Tatton
Egerton, Sir P.
Egerton, Lord Fran.
Elley, Sir J.
Elwes, J.
Entwisle, John
Estcourt, Thos. G. B.
Estcourt, Thos. S. B.
Fancourt, Major
Fector, John Minet
Feilden, W.
Ferguson, G.
Finch, George
Fleming, John
Forbes, William
Forester, hon. G. C. W.
Freshfield, J.
Gaskell, J. M.
Geary, Sir W. R. P.
Gladstone, Wm. E.
Gladstone, Thomas
Glynne, Sir S. R.
Goodricke, Sir F.
Gore, O.
Goulburn, hon. H.

Goulburn, Sergeant
Graham, Sir J.
Grant, hon. Colonel
Greene, Thomas
Greisley, Sir R.
Grimston, Viscount
Grimston, hon. E. H.
Hale, Robert B.
Halford, H.
Halse, James
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J. bart.
Hardinge, Sir. H.
Hardy, J.
Hawkes, Thomas
Hay, Sir J., bart.
Hayes, Sir E. S., bt.
Henniker, Lord
Herries, rt. hn. J. C.
Hill, Lord Arthur
Hill, Sir R. bart.
Hogg, James Weir
Hope, Henry T.
Hotham, Lord
Houldsworth, T.
Hoy, J. B.
Hughes, Hughes
Irton, Samuel
Jackson, Sergeant
Jermyn, Earl of
Inglis, Sir R. H., bt.
Johnstone, J. J. H.
Jones, W.
Jones, Theobald
Kearsley, J. H.
Kerrison, Sir Edward
Ker, David
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lawson, Andrew
Lees, J. F.
Lefroy, Anthony
Lefroy, Sergeant
Lewis, Wyndham
Lincoln, Earl of
Longfield, R.
Lowther, Col. H. C.
Lowther, Lord
Lowther, J.
Lucas, Edward
Lushington, S. R.
Lygon, hon. Col. H. B.
Mackinnon, W. A.
Maclean, D.
Mahon, Lord
Manners, Lord C.
Mathew, Captain
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Miles, Wm.
Miles, Philip J.
Miller, Wm. Henry
Mordaunt, Sir J., bt.
Neeld, J.
Neeld, Joseph
Nicholl, Dr.
Norreys, Lord
Owen, Sir J., bart.
Owen, Hugh
Packe, C. W.
Palmer, Robert
Palmer, George
Parker, M.
Patten, John Wilson
Peel, Sir R. bart.
Peel, Colonel J.
Peel, rt. hon. W. Y.
Pemberton, Thomas
Penruddock, J. H.
Perceval, Colonel
Pigot, Robert
Plumptre, J. P.
Plunkett, R.
Polhill, Frederick
Pollen, Sir J., bart.
Pollington, Viscount
Pollock, Sir Fredk.
Powell, Colonel
Praed, James B.
Praed, W. M.
Price, S. G.
Price, Richard
Rae, Sir Wm., bart.
Reid, Sir J. Rae
Richards, J.
Ross, Charles
Rushbrook, Colonel
Russell, C.
Ryle, John
Sanderson, R.
Sandon, Lord
Scarlett, hon. R.
Scott, Lord J.
Shaw, F.
Sheppard, T.
Sibthorp, Colonel
Smith, A.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Edward
Stanley, Lord
Stormont, Lord
Stuart, Henry Chas.
Tennent, J. E.
Thomas, Colonel
Thomson, Ald.
Trench, Sir Frederick
Trevor, hon. Arthur
Trevor, hon. G. R.
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B., bart.
Vernon, Granville H.
Vesey, hon. Thomas
Vivian, John Ennis
Wall, Charles Baring
Walpole, Lord
Walter, John
Welby, G. E.
West, J. B.
Weyland, Major
Whitmore, Thos. C.
Wilbraham, hon. B.
Williams, Robert
Williams, T. P.
Wodehouse, E.
Wood, Colonel
Wortley, hon. J. S.
Wyndham, Wadham
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.

Clerk, Sir G. bart.
Fremantle, Sir T. W.

Paired off.

FOR.	AGAINST.
Hallyburton	Mandeville, Viscount
O'Connell, M.	Sinclair, Sir G.
Tynte, Colonel	Peel, Colonel
Speirs	Bruce, Cumming
Finn	Bruen, Colonel
Wilkes	Hanmer, Colonel
Wood, M.	Noel, Sir G.
Dobbin, L.	O'Neil, General
Ponsonby, J.	Ossulston, Lord
Edwards, Colonel	Marsland, J.
Williamson, Sir W.	Smith, J. A.
Gully	Smythe, Sir H.
Hume, J.	Follett, Sir W.
Buckingham	Davenport
Roebuck, J.	Rickford
Guest, J.	Wynn, Sir W. W.
Scholefield	Duncombe, W.

Sir Frederick Trench and Mr. Wason.] The *Speaker*: In consequence of the Report which was read at an early period of the evening by the hon. Member, the Chairman of the South Durham Railway Committee, of a circumstance of a personal nature which had taken place in the morning, whilst he was attending on that Committee, between the hon. and gallant Member for Scarborough and the hon. Member for Ipswich, I deemed it my imperative duty to call on the hon. and gallant Member shortly after he had taken his place, to give his assurance that, as far as he was concerned, no further steps in the matter should be taken until both hon. Members were before the House. The hon. and gallant Member stated, that he had put himself in a position which did not require, he apprehended, any further step on his part relative to the dispute which had occurred between himself and the hon. Member for Ipswich. Anticipating the arrival in his place of the hon. Member for Ipswich at some subsequent period of the evening, I thought proper, until then, to let the affair rest, with the view of requiring from both the hon. Members the full assurance which the House had a right to expect, and which, for the sake of its honour and integrity, and the perfect freedom of its discussions, it has ever been its custom to demand on such occasions. As, however, the hon. Member for Ipswich has not since made his appearance, and as the hon. and gallant Member for Scarborough, in obedience to the order of the House, is in attendance in his place, I must, in expression of the feeling of the House, now call upon that hon. and gallant Member to give it the most unqualified assurance that he shall not, with reference to the dispute which occurred between himself and the hon. Member for Ipswich, deem himself at liberty to entertain or enter upon anything of a hostile nature, whether emanating from himself or from the other hon. Member. I trust that the hon. and gallant Member will at once see the propriety and the necesssity of giving the required assurance.

Sir *Frederick Trench* said, that he felt himself placed in a most painful situation. In obedience to the Speaker's order he now attended in his place, and he had already stated that he would take no further notice of the matter. He had manifested no hesitation in giving that assurance, because he believed that he had already stated, that he stood in that position which did not render it necessary for him to take any further steps. Having done thus much, he appealed to the Chair, and to every hon. Member present, whether he ought to be called upon to give any further assurance. What the intentions of the hon. Member for Ipswich (who was not in his place) were, he knew not, but he hoped to be allowed to state shortly to the House the circumstances out of which the matter had arisen. [*No, no.*] He should yield to the opinion expressed by the House, and not enter into any detail. He, however, thought it extremely hard upon him to be placed, in the absence of the hon. Member for Ipswich, in the situation which the right hon. Gentleman in the Chair required.

Lord *John Russell* said, that the House could not, according to previous practice, rest satisfied with less than the assurance now required from the hon. and gallant Member. The absence from his place of the hon. Member for Ipswich could not alter the case, and unless the hon. and gallant Member opposite (Sir F. Trench) gave the assurance required of him by the Speaker, the only course left was to move the committal of the hon. and gallant Member into the custody of the Sergeant-at-Arms. He trusted, however, that the hon. and gallant Member would obey the instructions so properly given him from the Chair.

Mr. *Williams Wynn* said, there could be no doubt that the House had a right to expect from the hon. and gallant Member for Scarborough an entirely unlimited, unrestricted, and unconditional assurance that all proceedings in the matter were at an end and that nothing further should take place.

The *Speaker:* I must once again call on the hon. and gallant Member for Scarborough to give the assurance which the House expects from him.

Sir *Frederick Trench* expressed his regret that he could not do so. He was surrounded by many Members of the Committee, who concurred with him in thinking that he was right in the position he had taken with respect to the question which had been submitted to their consideration. He knew not, he repeated, what the intentions of the hon. Member for Ipswich were, but he could state, that the hon. Member for Northallerton had told him that he had reasoned with the hon. Member for Ipswich upon the matter, and that the hon. Member for Ipswich had said he would take no steps until to-morrow morning, when an explanation might take place. In this the hon. Member for Northallerton could, if he were present, corroborate him. He (Sir F. Trench) was ready to pay on this, as on all occasions, every respect to the Chair, but he would rather incur the displeasure of the House than risk his own self-condemnation.

Lord *John Russell* observed, that after what had fallen from the hon. and gallant Member, there remained no other step than to place the hon. and gallant Member under restraint. He should therefore move that Sir F. Trench be now taken into the custody of the Sergeant-at-Arms.

The Speaker put the question.

Mr. *Ingham* said, that it had been understood by him and other Members of the Committee, that the misunderstanding which had taken place between the hon. and gallant Member for Scarborough and the hon. Member for Ipswich had originated in error, and he therefore thought that the matter ought now to be terminated, especially as the hon. and gallant Member for Scarborough had since heard nothing further from the hon. Member for Ipswich. He thought the affair might be terminated with honour to both parties, by the hon. and gallant Member conceding, and in expressing that opinion, he believed he was only giving utterance to the sentiments of the whole of the Committee.

The question was agreed to, and Sir F. Trench was taken into custody.

Lord Stormont moved that the hon. Member for Ipswich (Mr. Rigby Wason) should be taken into the custody of the Sergeant-at-Arms.

Motion agreed to.

HOUSE OF LORDS,

Monday, *June* 13, 1836.

MINUTES.] Petitions presented. By Viscount MELBOURNE, from Cambridge, against the Introduction of a Clause in the Municipal Corporations' Act appointing the Vice-Chancellor for the time being a Magistrate of the Borough.

THE APPELLATE JURISDICTION.] On the motion of the Lord Chancellor, the Order of the Day for the second reading of the Court of Chancery Bill was read.

The *Lord Chancellor* then said, that although in point of form he was under the necessity of moving the Order of the Day for the second reading of the first of the two Bills which he had lately introduced, yet their Lordships would probably think it convenient that the two Bills—the one for the better administration of justice in the Court of Chancery, and the other respecting the appellate jurisdiction of their Lordships' House, and of the Privy Council, should be discussed as one measure. In point of fact, they depended one upon the other, and the arguments which applied to the one would apply of necessity very much when discussing the other. Before he said anything upon the merits of these two measures, he had to state to their Lordships, that on going into committee he intended to propose an alteration in the structure of the first of these two Bills. As it was printed, it correctly represented what it was his object to attain; but it fell short in regard to the machinery for carrying that object into effect. The Bill declared that their Lordships' House should, notwithstanding any prorogation or dissolution of Parliament, be at liberty to attend to the judicial business of the House. As far as the point of dissolution was concerned, although upon principle it rested upon the same ground which justified the measure with regard to a prorogation of Parliament, yet, as the time it would save would be so short, and at such distant periods, it did not appear worth while to leave the measure open to an objection on that score. In order, therefore, to reconcile their Lordships to the measure, he intended to leave out that clause of the Bill relating to a dissolution, and to confine it to the case of a prorogation of Parliament. So confined, the Bill would require some machinery to carry it into operation. What he should propose in Committee was, that after a prorogation, it should be lawful for his Majesty, by royal proclamation, to summon their Lordships to meet for the purpose of hearing appeals and writs of error only; and that it should be lawful for his Majesty to discontinue that sitting whenever he pleased, and again to summon the House during the prorogation for the like purpose. He would now state upon what grounds he called upon their Lordships to assent to the second reading of the Bill. Before he did so, however, he must express his regret at finding that the returns which had been made to assist their Lordships in the consideration of this subject had been in many respects erroneous. He believed those errors had arisen from the fact of several officers having been employed to make out the returns, and that they had not all followed the same principle in the investigations which had been intrusted to them. He had, however, the satisfaction of saying that, so far as they related to the deductions which he had made on a former occasion, from the returns laid before their Lordships, the returns themselves were correct; and that, therefore, no error in the returns would affect the conclusions he had then drawn from them. There was, however, one error which he much regretted, inasmuch as it would appear from the returns, that there was an arrear of appeal cases in 1834, whereas, in point of fact, there was little or no arrear at that time. The return, if not corrected, would show that the result of the unparalleled exertions of his noble and learned Friend, whose absence he had still to lament, was not to reduce the arrears, whereas, in point of fact, he had reduced them to nothing or nearly so. Their Lordships would recollect that, on a former occasion, he drew their attention to the business of the Court of Chancery at several different and distant periods. He called their attention to the state of Chancery business, as it existed immediately after Lord Hardwicke ceased to be Chancellor; also as it existed in the year 1813, being the period when the Vice-Chancellor's Court was established; also as it existed in 1823, because in that year their Lordships inquired into the whole matter of the arrears of business, both in this House and in the Court of Chancery, and on which occasion a Select Committee made a report containing very material and important evidence upon the subject he was now discussing; and lastly he called their attention to the state of business terminating with the year 1835. He took an early period, by going back seventy years, in order that their Lordships might form some estimate of the manner in which the business of the Court of Chancery had increased. The average of causes from 1661 to 1665 was only 441, whereas from 1831 to 1835 they amounted to 1,283. From 1661 to 1665 the average number of petitions was 379, whereas from 1831 to 1835 they amounted to 2,813. The appeals from the then only Court—the Court of the Master of the Rolls—from 1661 to 1665 averaged only twelve, whereas from 1831 to 1835, they amounted to fifty-five. He did not state that as a necessary argument in support of the proposition he had to submit to their Lordships; but in order to correct a misconception which had gone abroad upon the subject—a misconception difficult to explain—but which, upon reference to figures, was shown to be without any foundation whatever. However, the important periods to which he was anxious to call their Lordships' attention, were the periods of 1813, 1823, and 1835, because from these it was that their Lordships must form an opinion as to whether the present powers of the Court of Chancery, and the appellate business of their Lordships' House, and of the Privy Council, were to continue as they were, or whether it was not the bounden duty of the Legislature to apply such remedy as was necessary, in order to dispose of the arrears of business that at present existed, and which must continue to exist, unless some remedy were applied. In 1813 Parliament decided, by passing the Bill for the appointment of a Vice-Chancellor, that the strength of the Court at that time was not adequate to perform the duties required. He would next compare what was the state of business at that time with the state of business at present, and he thought that their Lordships could not but come to the conclusion, that if the business, as it existed in 1813, called for the appointment of an additional judge, the enormous increase of business since that period was such as made it absolutely impossible for the machinery, as fixed by the Vice-Chancellor's Bill, to carry on the business of the Court of Chancery in a manner to do justice to the numerous suitors in that Court. He would not refer their Lordships to the debates of that period, for it was enough to know that Parliament had decided that the measure was necessary; but he would refer their Lordships to a statement of the business before the Courts at different periods. In 1810, 1811, and 1812, the average number of causes setdown for hearing was 540; 1820, 1821 and, 1822 ditto, 945; 1832, 1833, and 1834 ditto, 1,301. Those causes formed an important part of the business of the Court, but by no means constituted the whole. The next subject was petitions—1810, 1811, and 1812, the average number of petitions was 970; 1820, 1821, and 1822, ditto, 1,487; 1832, 1833, and 1834, ditto, 2,817. A similar increase had taken place in appeals from the other branches of the Court of Chancery to the Lord Chancellor. In 1810, 1811, and 1812, the average number of appeals was 16; 1820, 1821, and 1822, ditto, 42; 1832, 1833, and 1834, ditto, 55. That there should be an increase of appeals after the creation of the Vice-Chancellor's Court was an inevitable consequence. It was prophesied by Sir Samuel Romilly, that the effect of passing that measure would be to make the Lord Chancellor a Judge of Appeal only; and he would cease to be a judge in original causes. With some trifling exceptions, that prophecy had been fulfilled; and from that time it might be truly said, that the business of the Lord Chancellor in the Court of Chancery had been to review the judgments pronounced in the two other branches of the Court. It was not upon appeals and petitions only that the Chancellor was engaged, and which constituted a large proportion of the business of the Court of Chancery; but another important part of his duty was the hearing of motions. It was well known that some of the most important questions which arose between suitors in the Court of Chancery, were discussed and decided upon motions. It was made a matter of complaint in Lord Eldon's time, that the parties arranged among themselves, or so managed their pleadings, as to bring the real merits of the question before the Court upon motion. It was an extremely inconvenient mode of proceeding, and one not calculated to promote the interest of the suitor; but parties who had great and important interests at stake, if they could not have the doors of the Court open to them upon the hearing of the cause, would naturally adopt any course to obtain a judicial opinion, by which their rights were to be regulated. On a former occasion, he also called their Lordships' attention to a most striking result of an inquiry as to the state of the funds in the hands of the Acountant-General of the Court of Chancery. In the year 1812 it appeared that the money standing in the name of the Accountant-General was 28,137,000*l.*; and that that money stood to the account of 6,266 causes. It appeared that the sum in the hands of the Accountant-General, up to the present period, was 39,780,000*l.*, and that that money stood to the account of 10,227 causes. But was all this money locked up awaiting the decision of the Court? Not so. The money so locked up, constituted but a very small part of this enormous sum. By far the greater part of it was money from which the suitors derived great and unmixed benefit. Sometimes from necessity, sometimes from choice, parties had resorted to the Court of Chancery for a security of their money, and for a due administration of the funds. This was done in cases of infancy, in cases of persons labouring under disabilities, and in those various and complicated cases affecting individuals or families, in which those acting for them thought it expedient to put the administration of affairs under the direction of the Court of Chancery. The machinery of the Bill which constituted the Accountant General's office was so perfect, the system of the office was so secure, that persons so situated could not possibly possess a place of deposit more perfectly free from danger. Although a small portion of this money was matter of contest, still the increase of this fund showed to what extent that particular branch of the business which gave rise to this fund had increased—great as had been the increase of business in the Court of Chancery, he believed that if the Court were put upon a footing which would insure to the suitors a speedy determination of their suits, there would be a much greater resort to it. Parties who had rights to establish and objections to enforce, were deterred from coming to the Court, and either compromised their suits or abandoned their rights altogether; not because they thought the ultimate result would be against them, but because the vexation they would have to experience before the question was brought to a judicial decision induced them to compromise or abandon their rights rather than encounter such evils. When the Vice-Chancellor's Bill passed, it was supposed that great facilities would be given to the administration of justice in Chancery, and their Lordships would find, on a reference to figures, that the hope of such a result brought a great number of new suitors into the Court. He had already stated, that the average number of causes in the Court of Chancery for the three years previous to the passing of the Vice-Chancellor's Bill was 540, and that the average for the three succeeding years was 717. But the increase of the number of Bills filed in Chancery was still more striking. On referring to the returns, he found that the average number of Bills filed in the Court of Chancery in the five years preceding the Establishment of the Vice-Chancellor's Court was 1,830; in the five succeeding years 2,236, and in the last year 2,563. This great increase in the business of the Court was mainly to be attributed to the removal of that dread of delay which had existed previous to the passing of the Vice-Chancellor's Bill. So much then for the period of 1813. In 1823, notwithstanding that the Vice-Chancellor's Bill had then been in operation for ten years, it was found that there was such an accumulation in the judicial business of that House, that their Lordships appointed a Select Committee to inquire into the cause of it, and, if possible, to devise a remedy. It appeared from the Report of the Committee so appointed, that there was at that time an arrear of five years of appeals. That was to say, that an appellant or a respondent who had been under the necessity of resorting to their Lordships for the redress of a supposed erroneous decision in one of the branches of the Court of Chancery, had, after presenting the appeal, to wait five years before his case could possibly be heard. It was no wonder that such a state of things should induce their Lordships to institute an investigation, with the view of discovering the cause of this arrear, and, if possible, of devising a remedy for it. What was the result of the inquiry? The Select Committee stated in their Report, "There is now a manifest impossibility that any person holding the Great Seal can find the time required for the business of the Court of Chancery and of the House of Lords, and for all the other great and arduous duties which are attached to his high office." The fact was, that since the passing of the Vice-Chancellor's Bill these duties of the Lord Chancellor had not only been not diminished, but had greatly increased, in consequence of the vast influx of additional suitors, which the hope of a speedier administration of justice had brought into the Court of Chancery. What was the remedy suggested by their Lordships' Committee in 1823, and subsequently adopted by the House? It was in a great measure a temporary expedient, and one which although justified by the great pressure of the arrears then before the House, was one which he thought they would be slow to adopt as a permanent plan. The plan recommended and adopted was, that in the highest Appellate Court in the Kingdom, namely, in that House, the highest officer of the law should not preside, but that others should be selected for the purpose of performing those duties which undoubtedly ought only to be discharged by the highest legal officer appointed under the Crown. He did not mean to say, that the individuals selected on that occasion, and who afterwards devoted so much of their time to the administration of justice in that House, were not as well qualified to perform the new duties imposed upon them as any men could possibly be. But it was not, in his opinion, becoming or fit, that in the highest Court of Appellate Jurisdiction, the individual presiding should be any other than the highest judicial officer under the Crown. Great assistance was undoubtedly derived from the exertions of the individuals who were selected in 1823. Their Lordships would all remember how Lord Gifford had applied himself to the task, and the great labour he underwent, presiding in that House from ten till four in the morning, and in the Rolls Court from six to ten in the evening—this was a degree of exertion greatly more than any human being ought to be called upon to perform—greatly more than any human mind could bear or any human strength sustain. Because their Lordships must remember, that severe as a Judge's labour might be whilst he sat in open Court, his duties by no means ceased when he left the Bench. A great and important part of the duties of a Judge was to deliberate on the arguments he had heard advanced by counsel in Court, to investigate the authorities quoted, and as far as possible to make himself master of all the facts of the case brought forward for his decision. If a Judge were called upon to sit from ten in the morning till ten at night, it was perfectly impossible that he could have any time left for the discharge of these important duties. Such, however, was the expedient to which the House resorted in 1823. It in a great degree answered the purpose for which it was intended, because the House was then enabled to sit every day in its judicial capacity, or at least to sit five days a-week, the Lord Chancellor presiding on three days, and the Lord Speaker (as he was called) on two. The result was, that after the lapse of a certain length of time the assistance of the additional Judges was not so largely called for, and not so freely used; and although from the year 1823 down to 1835, there had been no one case in which some assistance had not been afforded to the officer holding the Great Seal, in the administration of the appellate jurisdiction of that House, of late years that assistance had become comparatively small, and at no period had it been so great as in the time of Lord Gifford. Of arrears in that House there were now comparatively none, and their reduction might, in a great degree, be attributed to the assistance which their Lordships had derived from two noble and learned Lords who had no other judicial functions to perform—who were therefore enabled to devote the whole or a great part of their time to the judicial business of the House, and who, by devoting so much of their time to that business, had conferred a great benefit upon the public. It was owing to the exertions of those noble and learned Lords (one of whom he saw present) that the arrears were at that moment so much reduced. Could any fact more strongly prove the propriety of the suggestion he took the liberty of making to their Lordships? How was it that the arrears had been so much subdued? Was it not because there happened to be in the House noble and learned Lords not attached to any other Court, and who consequently had it in their power to devote the whole of their time to the judicial business of that House? As far, then, as that House was concerned, he considered that the experiment embodied in the present Bill had been fairly tried. Having, by a statement of figures, shown the state of business in that House at the two periods to which he had directed their Lordships' attention, he would now shortly state what was the arrear of business in the Court of Chancery. Here, again, he had the satisfaction of stating, that the exertions of those who had preceded him had been such as completely to subdue the arrear which, during the previous thirty years of his experience, he had known to exist in the Court of Chancery. Of appeals from the other branches of the Court of Chancery, pending before the Lord Chancellor, there were now none; because, from the Return made up to the last day of last Michaelmas Term, there then appeared to be only nine cases in arrear; and he had the satisfaction to state, that the case which he heard on Saturday last was within three of the end of the list brought forward at the commencement of the last Term. Of the business, therefore, at present pending before the Lord Chancellor, it might be said that there was no arrear. He stated this fact, to enable their Lordships to come to this conclusion—that if there were a Judge whose sole duty should be to attend to the Court of Chancery, that Judge would not only be able to dispose of all the appellate cases that could be brought before him, but would also have it in his power to devote a large portion of his time to the hearing of original business, which now, and ever since the year 1813, had been exclusively heard by the other branches of the Court. Of original causes in Chancery, now in arrear, ready for hearing, and waiting to be heard, there were between 700 and 800; and looking at the average number of causes determined, and the average number of causes set down for hearing, it was obvious that this arrear must go on increasing, unless some step were taken to prevent it. During the last three years, the average number of original causes heard and determined was 1,158; the average number of causes set down for hearing within the same period was 1,340. So that, with an existing arrear of 700 causes, their Lordships had this additional fact before them, that the average number of causes heard for the last three years had fallen very considerably short of the number set down for hearing. Did not this state of things in the Court of Chancery require some remedy? Why should they deny to the suitors in that Court the right of having their causes heard without delay? If the arrear had arisen from the temporary illness of the Judge, or from any other accidental cause, the case would be different; but when it was found, from the general business of the Court, that there was no probability of subduing the arrear, he was sure their Lordships would agree with him in thinking, that this was a state of things which ought not to be allowed to continue. But the Bill which he had the honour to introduce to their Lordships' notice was not limited to the business of that House, or of the Court of Chancery. It related to another and a most important branch of the judicial business of the country, which was transacted before the Privy Council. Their Lordships were aware that the Privy Council was the Court of *dernier resort* for all the British colonies. In that Court only could the appeals from the judgments of the courts of justice in the colonies be heard and adjudicated, and their Lordships were aware also that some very important alterations had of late years been made in the law, by which the Privy Council had many other very important duties to perform in addition to hearing colonial appeals. The Court of Delegates was, as their Lordships perhaps recollected, altogether abolished; so also was the Vice-Admiralty Court; and the duties which had formerly been performed by those Courts were now transferred to the Privy Council; so that at present that Court exercised one of the most important jurisdictions in the kingdom. Now, when this was taken into consideration, it would not, perhaps, be too much to say, that there was a great want of professional aid in the Court of Privy Council, and this want was felt when the Houses of Legislature passed the Bill establishing the Judicial Committee of the Privy Council. This Judicial Committee was composed of the Judges of the law courts and other functionaries, highly qualified for their duties; but when their Lordships looked at the individuals who constituted the Committee, they would find that most of them had so much business to attend to in their own Courts, that it was scarcely possible for them to find time to attend to the new duties imposed upon them. He might, as one instance of this evil, quote the case of the Vice-Chancellor, whose Court was full of business, and who was under the necessity of abandoning his own

Court in order to attend the Judicial Committee of the Privy Council. Now this was not a fair administration of justice. It was, perhaps, in favour of the suits in the Privy Council, but it was unfair to the Chancery suitors, because the Vice-Chancellor was under the necessity of neglecting his Court. The Bill, however, which he had the honour to propose, provided for all these evils. It was in the highest degree important that some one person, whose habits and knowledge of the law fitted him for such an office, should be appointed to take the lead in the Privy Council. The present Chief of that Court was not a lawyer, and it was necessary, not only that its chief should be a lawyer, but also that he should be the most eminent lawyer that could be procured; for, considering that that Court was the highest Court of Appeal for all colonial business, nothing, in his opinion, ought to be spared which could add weight and authority to its decisions. How was that object to be accomplished? In that House their Lordships were determined to have the highest law-officer to preside; so also was it requisite, nay, essential, that an equally high authority should preside in the Privy Council, for where else ought the highest law authority to sit, but in those Courts from whose decisions there was no appeal? If their Lordships adopted that view of the case, he was convinced that thenceforward no arrears of business could ever occur, either in that House or in the Privy Council. It was therefore obvious, under this manner of looking at the question, that the only course left for their Lordships to adopt was, to make the Lord Chancellor for the time being the President of the Court of Appeal, both in that House and in the Judicial Committee of the Privy Council. The only difficulty was, whether the same man who presided over these two Courts would be able to find time to attend to any other duties. It was impossible to look at the Reports upon the state of the Courts, and not at once see that the President of Appeals could not, by possibillity, find time for other duties; indeed, the great apprehension he entertained was, that he would not be able to find time to attend to both his appellate jurisdictions—namely, his duties in that House and in the Privy Council. In the Court of Chancery, as at present constituted, the great difficulty was to find time to hear original causes; the appellate jurisdiction of the Court was most amply provided for. He had stated in the outset of his speech, that from the year 1813 the Lord Chancellor had not heard any original matter in his Court, except by accident. The cause of this was partly owing to his having other duties to perform in his Court, and also partly to his duties in that House. During the course of last year, whilst the Great Seal was in Commission, two days a-week only were devoted to the hearing of appeals from the Court of Chancery, and those two days proved sufficient not only to keep down arrears, but also to reduce the arrears which had accumulated, so that at present there were no real arrears. If, therefore, the time which had been devoted to the hearing of appeals had proved sufficient for that purpose, it followed, as a matter of course, that the chief Judge of the Court of Chancery would have time to bestow upon the hearing of original causes. His reason for saying this was, that though the chief Judge in Equity might hear a great number of causes, yet if the doors of justice were opened wider there would be a great increase of business. At present, a great number of causes were kept out of Court by the impossibility of hearing them, and of doing justice in them. For the present, he was disposed to try how far the three Judges in Equity would be able to keep down the business in their respective Courts; and it was a part of the Bill which he now presented to the House, that it should be tried, whether one Judge was sufficient for the Court of Chancery, and three Judges in the other branches of Equity. That brought him to the consideration of an important subject. The appeals from the Roll's Court, as their Lordships were aware, and from the Vice-Chancellor's Court, came to the Lord Chancellor, and it had been suggested, that the way to relieve the Chancellor was to take away all intermediate appeals from the Court of Chancery, and send them up directly to their Lordships' House; so that, in whatever branch of the Courts of Equity the causes were decided, the appeals should lie to their Lordships' House alone. Now, if that House possessed the essential requisites of a court of justice, and was open all the year, and at the same periods that the other Courts were open, he, for one, should not have objected to such a proposition. But in its present condition such a measure would literally choke their Lordships' House with the influx of business. He might select one case in illustration of this fact. Their Lordships would, by this arrangement, have to perform not only their own judicial business, but also all that portion of the Lord Chancellor's business which he had been in the habit of transacting from the year 1813. The average number of appeals which came every year from the Court of Chancery to the House of Lords was seven. The average number of appeals which went from the lower Courts to the Court of Chancery was fifty-five. Of the seven appeals from the Court of Chancery to the House of Lords, there were two only amongst them of the fifty-five appeals from the minor Courts, so that fifty-three of them were disposed of finally by the Lord Chancellor, whose judgments were consequently not found fault with by the suitors. Now, supposing the appellate jurisdiction of the Lord Chancellor was abolished, those fifty-three cases would come to their Lordships at once, and in addition to the other business before them. The expense also of hearing appeals in that House was double what it was in the Court of Chancery, which circumstance, in the majority of cases, would be decidedly adverse to the removal of those appeals to the upper Court. Another objection to the transference of the appeals from the Court of Chancery to the House of Lords was, that the interlocutory pleadings and matter must of necessity follow along with them; and he would leave it for their Lordships to decide how far it would be possible for them to deal with such a subject. In cases, too, where a motion might be improperly granted or refused, parties could not wait until the ensuing Session to have such matters reheard and decided. The rights of parties and the value of their property required that they should have the means of correcting orders, which could not be carried into effect without doing them very great injustice. If the House were constituted as a regular court of justice, it would be impossible for it to take upon itself half of the appellate jurisdiction of the Court of Chancery, not only as it now existed, but even in the case of there being a third Chancery Court hearing original business; for then there would be not only fifty-five appeals coming before their Lordships, but one-third of that number in addition, from the quantity of business done in the third Court. It was, then, utterly impossible that the appeal business could be accomplished in that House, unless the parties were to go through the intermediate appeal in the Lord Chancellor's Court. These objections he was sure, had never been contemplated by the persons who had proposed such an alteration. There now only remained one more point upon which he felt it necessary to address their Lordships, and that was respecting the proposed alterations in the periods during which their Lordships sat in their appellate capacity. It was his intention to propose that the judicial functions of that House should be extended throughout what was termed the judicial year. This proposal might appear to be an innovation upon the constitutional form of that House, and as such, open to objection; but he had already, in his former observations upon this subject, pointed out the means of preventing an improper use from being made of this change in the periods of their Lordships' Session. He should moreover propose that the House be summoned to their duties by Royal Proclamation immediately upon the prorogation of Parliament, which of course would continue to be made in the form in which it now was. What possible danger or constitutional evils could result from this proposal being adopted he was not able to conceive. There could be no ground for jealousy on the part of the House of Commons, for the House of Lords would be prohibited by statute from entertaining other than matters relating to appeal. If their Lordships should be of opinion that they might continue to sit upon appeals during the recess, it might perhaps afford them some satisfaction to learn that it would not now be done for the first time. Their Lordships might, perchance, like to see what had been the practice of the House in times of antiquity. It might be proper to observe in this place that in proposing these changes, he had gone contrary to the opinions of many of his own friends, and also to those of many of the profession, not because he proposed too much, but because he proposed too little; because, in short, he did not propose to convert that House into a Court of Justice altogether. He had said, that the alterations suggested by him were not altogether new, and he would refer their Lordships back to the time of Edward 3rd in the 14th year of whose reign an Act of Parliament was passed, by which it was enacted, that in order to enable them to hear petitions from Chancery suitors, (for be it observed, that the Court of Chancery was as much complained of then, as it ever had been since,) during those times that the Houses of Legislature were not sitting, and for this purpose one Prelate, two Earls, and two Barons, were appointed to hear petitions, and to have power to judge and to decide upon the matters therein contained ; but that if such matters should prove too difficult for them to exercise their judgment upon, they were at liberty to leave them for the general decision of the House, but at the same time the power given to them of judging and deciding was absolute. If, therefore, he should be asked how and in what manner the judicial powers of that House originated, he should reply, in the Crown ; and he hoped that there would be no objection to subject the House to that summons of the Crown for the purpose of judicating and also of suffering the House to discontinue and dissolve their sittings by proclamation. His main object throughout the whole course of his deliberations upon the subject of this Bill had been to adapt the changes which he had to propose to the institutions which he found in existence, and the very last thing that ever entered his mind was to introduce any innovations whereby those institutions would in any way be endangered. He had religiously abstained from proposing to do more than he felt necessary, but what was contained in his Bill, was, in his opinion, absolutely essential to the due administration of justice, and to the satisfaction of the suitors of the empire. He should trouble their Lordships no further, but should submit the Bill for a second reading, in the hopes that they would consent to its being read, in which case, he would then enter at large upon the details in the Committee. The noble and learned Lord concluded by moving the second reading of the Bill.

Lord *Lyndhurst* said, it was a duty which he owed to the House, to the country, and, in some sort, to himself, that he should state fully and completely the opinions which he entertained with reference to the measure, the second reading of which had just been moved by his noble and learned Friend on the woolsack. He should state his opinions and views shortly and simply, entreating the House to bear in mind that the measure now under consideration had reference to the prompt and effectual administration of justice, and that it was a question upon which all party considerations ought to be set aside ; it was a question in which all had a common interest. He was happy to state, that in approaching the consideration of this measure, it would not be necessary for him to urge anything of a political character ; on the contrary, what he had to state were circumstances which presented themselves clearly to the mind of every well-informed and sensible man. He was, however, compelled to state (and he did so with extreme regret,) notwithstanding the unfeigned respect which he entertained for the abilities, the talents, and the learning, of his noble and learned Friend on the Woolsack, he was compelled to differ from him as to the conclusions to which his noble and learned Friend had arrived on this particular measure. He (Lord Lyndhurst) objected to it in point of principle. A considerable time had elapsed since the Bill had been laid on the table by his noble and learned Friend ; and since it had been printed, he (Lord Lyndhurst) had had an opportunity not only of considering it himself, but of conferring upon the subject with different Members of the profession of all political parties, and he had not found a single individual who had approved of the measure of his noble and learned Friend. His noble and learned Friend had said, that although there were two Bills on the table, yet they ought to be considered as one measure, and that measure was one of a simple description—it was to divide the office of Lord Chancellor into two parts—not separating the political from the judicial functions ; but to divide the judicial functions into two parts, and to attach to one of those parts the political duties which now attached to that high and important office. The judicial duties of the Lord Chancellor,according to his noble and learned Friend's plan, was to preside at the hearing of appeals in the House, and to preside whenever the Lord President of the Council could not dispense with his services at the hearing of appeals before the Judicial Committee of the Privy Council. Now, if all the difficult, perplexing, and laborious duties in the Court of Chancery were to be detached from the office of Lord Chancellor, he should much wish to know what provision the other House of Parliament would be likely to make for the person who was to perform the duties which would remain. Was it likely, he must inquire, that the other House of Parliament would assent to such a provision as would insure the services of an individual posessing those high talents and legal qualifications as were essential to the due and efficient performance of those duties? If the office were stripped of the laborious part of those duties, it would doubtless be less endowed; and could it be supposed that a person like his noble and learned Friend opposite (Lord Langdale) would abandon his certain tenure of the office of Master of the Rolls, or that the Vice-Chancellor would surrender his office, for one so shorn and cut down, and of the precarious character which that of Chancellor would be? It might be said, that an example to the contrary had recently occurred—he alluded to the case of the late Lord Chancellor of Ireland, who had abandoned, from a sense of public duty, the possession of the highest rank in the profession, to hold a situation of precarious character. But the circumstances which followed had not been such as to be likely to lead others to follow a similar course. He repeated, that it would be impossible to get a person holding the office of Master of the Rolls to take the precarious situation proposed to be created by this Bill. And what, he would here inquire, were to be the judicial duties the new functionary would have to perform? Now he (Lord Lyndhurst) had looked into papers now upon the table, had made inquiries, and had ascertained the fact that fourteen or fifteen appeals in equity cases were all the appeals that for an average of some years had been decided by their Lordships' House. Now in the courts of the Master of the Rolls and the Vice Chancellor men presided selected from the highest ranks in the profession, and who, since their elevation to the Bench, had their minds constantly engaged in discussing the great principles of equity,—daily and hourly dealing with those principles,—conversant with details,—their minds by practice invigorated,—their faculties sharpened, and their powers thus every hour improved. Such was and would be the character of the inferior judges in equity; and what would be the character of the Judge of Appeal? He also would be selected from the highest ranks of the legal profession; he doubtless would be a man of the same capacity—the same powers of mind; but every member of the profession must know that the intricacies, the subtleties of equity, were difficulties not depending on statutes; and was it to be supposed that even such a man could have his intellects kept alive, his faculties sharpened, his mind invigorated by having to decide fourteen or fifteen appeals in this House, and one or two appeals before the Judicial Committee of the Privy Council? And what would be the result of such an arrangement? Why, that the appellate judge would become inferior to those whose judgments he was called upon to overturn. Could anything be more dangerous in practice, would suitors be satisfied, would the profession have confidence? No, the evils would be as great in truth as in reality. Look to this House; it was to the discharge of its judicial functions that it owed the character which it had long, and he trusted would ever maintain. It was of the utmost importance that it should maintain that high station in the confidence of suitors, the profession, and the country, in which it had so long stood. That character must depend on the confidence which the country placed in the noble and learned Lord who sat at the Table to hear and dispose of appeals, and if he fell in public estimation and in public opinion, their Lordships would fall with him. Let, then, the House take care not to put in hazard, still less to sacrifice the confidence so long enjoyed. The inevitable tendency of this ill-foreseen measure would put that character in jeopardy. The Bill provided, that the new functionary was occasionally to have the assistance of the Master of the Rolls, the Vice-Chancellor, or the new Chief Judge in Chancery. He doubtless commenced with occasionally calling for that assistance, but, eventually, feeling his own inferiority, the practice would become habitual, and the high and important office he held, which had stood so high in the confidence of the people, would soon sink in public estimation. Would this measure be effectual even for the objects to which it was directed? His noble and learned Friend on the Woolsack had told their Lordships, that the Court of Chancery was not overwhelmed with business. He admitted the fact, and all his noble and learned Friend's conclusions in that respect. But what was the number of days which on an average was sufficient to transact the judicial business of that House? He should not go into details, but he would state that seventy days was the average number for the last fourteen years on which the House had sat judicially. His noble and learned Friend had provided in one part of his Bill, that the House should be enabled to sit judicially even after a prorogation, under a proclamation, and the authority of the Crown. This consequence would, in his judgment, follow; the Chancellor during the Session would be deeply engaged in legislative business, more deeply as a politician, would take a more active part in debate, and thus his legislative and political functions would be brought into great activity, while his judicial functions would lie dormant until the end of the Session. Where could be the necessity of the House sitting judicially notwithstanding its prorogation? Into this he had taken some pains to inquire; and also to ascertain the quantity of the judicial business transacted in that House. It was part of his noble and learned Friend's plan, that the Lord Chancellor being liberated from the duties of the Court of Chancery should sit six days in the week. Now, he found from the Returns on their Lordships' Table, that in fourteen years the number of appeals entered were 1,078, being an average of about seventy-seven in each year; and he knew from experience that one-fifth of those ought to be deducted as going off on points of form, or in consequence of private arrangement, and therefore deducting one-fifth, sixty-two appeals would be the average actually entered for each year. The next question came—what was the average time of the sittings necessary to dispose of those cases? It was true they had heard of a case in which his noble and learned Friend was now engaged, being likely to occupy thirty days, but that was not a case which ought to govern general legislation. He found from the Returns, that, during the period of fourteen years, 745 cases had been decided in 836 days, being an average of one case a-day, or something less. And therefore, according to that, the sixty-two cases which he had shown to be the average number might well be expected to be disposed of in as many days, or at least that seventy days in each Session would be sufficient to discharge the judicial business of that House. His noble and learned Friend had adverted to the assistance given by Lord Gifford to Lord Eldon in that House. With reference to that assistance he had looked to the Returns, and he found that in 1824 they sat eighty-four days, and disposed of ninety-one cases; in 1825 they sat ninety-two days, and disposed of ninety cases. They sat only five days in the week, and got through an arrear of business which in 1824 amounted to upwards of 212 cases. This showed how unnecessary it was to provide for the judicial sittings of the House after a prorogation. The plan of his noble and learned Friend was not new; it had been before the country more than half a century ago, and had been considered by the ablest statesmen, by the leading members of the profession, and all concurred in pronouncing an opinion condemnatory of it. The plan had been suggested in the time of Mr. Pitt, of whose views with reference to it he had the best possible authority, that of Lord Redesdale himself, not in a speech that might have been misreported, but in a book he held in his hand from the pen of an eminent and learned lawyer, and which showed that the subject had received their consideration, and had been rejected by them on the very grounds he would now state to the House:—

"And the remedy proposed was one which had been under the consideration of the late Mr. Pitt, when the business of the House of Lords appeared likely to increase to such a degree as to require some additional means to enable the House to discharge its various functions. He wished to provide against the evils which this increase might produce, and which it now has produced. The first suggestion made to him was, to separate the office of Speaker of the House of Lords from the office of Chancellor, and thus to enable the House to sit at all times on judicial or other business, without interfering with the business of the Court of Chancery, or with the other duties of the Chancellor. But to this these three palpable objections occurred:—1st: That the person who should preside in the House of Lords, and especially as the Court of ultimate appeal, ought to be a person whose education and habits, and continued practice in legal decision, might enable him to give assistance to the House, in the discharge of its judicial functions, and occasionally in its legislative functions; that a man so qualified would not readily give up the office either of Chancellor or Chief Justice, or his pretensions to either of those offices, for such new office; and that if such a man could be found, yet exercising no judicial function except in the House of Lords, he would (whatever might have been his knowledge and experience before his appointment) gradually lose that familiarity with business, which, as the author of the pamphlet justly observes, is essential to its prompt and steady despatch, as well as to its weight and authority in public opinion. 2nd. That if the Speaker of the House of Lords should have been educated, and should have even distinguished himself, in the profession of the law, he could not, in that office, be considered as the head of the law; that the person bearing that character no longer presiding in the Court of ultimate appeal, that Court would therefore sink in authority, if not in dignity; and the uniformity of decision, which has resulted from the presidency of the head of the law in that Court would soon be lost. 3rd. That the office of Chancellor would suffer in point of dignity and authority in its judicial character, at the same time, that without taking from it other important duties, it would remain the first Law Officer of the Crown and the responsible adviser of the Crown, though not of the Lords, in matters of law—a circumstance which might produce the most distressing conflictions of legal opinions, and probably introduce party contests into judicial decisions."

Allusion had been made to the name of another distinguished individual—he meant Sir Samuel Romilly. It did so happen that men of all parties concurred in opinion upon this subject, and upon the same grounds. He found the opinion of that distinguished lawyer upon this subject expressed, not in the report of a speech, but in a pamphlet published by that celebrated man at a time when the office of Vice-Chancellor was about to be created. He might be allowed, he hoped, to direct the attention of the House to this opinion:--

"If, of the three Judges, said Sir Samuel Romilly, who are to preside in equity, two are to have the law of the Court in all its various branches familiar to them, and kept constantly in their view, by a regular uninterrupted attendance in Court, and the third is only to refresh his memory by looking back into records and precedents upon particular heads, just so as to enable him to decide in the course of a year nine or ten causes, or twice that number, which may happen to be brought before him for decision, upon appeals, it is very obvious that this effect must, in process of time be produced—the appeal will lie from a Judge, a perfect master of the law he is to administer, to one who has but an imperfect recollection of it. Or if that effect shall not really have been produced, there will always be a notion prevailing that it has. The suitor who has had a decree in his favour, and who sees it reversed, will be disposed to observe, that the Judge of the most experience is most likely to have well understood, and to have properly decided his cause; and the appellant whose appeal had been unavailing will observe, that it is not surprising that the appellate Judge should have had so much deference for his superior in experience and ability, though his inferior in rank, as to have submitted to him his own opinion, and to have affirmed the decree, from deference not to the reasons of the judgment, but to the character and authority of the Judge. When it has been proposed to separate the offices of Lord Chancellor and Speaker of the House of Lords, it has been always objected to such an expedient, that as the House of Lords is a Court of Appeal, it is highly necessary that the person who presides in it should have his knowledge of the law kept constantly refreshed, and the habit of applying its rules unrelaxed, and that this can be secured only by his being in the daily habit of administering justice in a subordinate Court."

And thus we had Mr. Pitt, Lord Hardwicke, Sir Samuel Romilly, Lord Redesdale, than whom no better equity lawyer ever existed, all concurring in the impropriety of separating the important functions exercised by the Lord High Chancellor of this realm. He had other authorities of more modern date in support of the same position. In the debate which took place in the House of Commons on the question of the creation of a Vice-Chancellor, the late Master of the Rolls expressed his entire concurrence in the views taken by Sir Samuel Romilly, and he would here add that the noble and learned Earl not now in his place, but who had so long graced the Woolsack, had in the strongest terms possible expressed to him (Lord Lyndhurst) his entire concurrence in the view of this subject taken by the distinguished authorities to whom he had referred. He had the authority of another individual for whom he entertained the highest possible respect—he alluded to the noble and learned Lord not now in his place, the unfortunate cause of whose absence, he in common with their Lordships deplored. When this subject was brought before the House of Commons in 1830, that noble and learned Lord expressed himself in terms so pointed, that he should not properly discharge his duty if he did not bring them under the consideration of their Lordships:—"He said, that the jurisdiction of the Lord Chancellor is superior to all ordinary jurisdictions. If the Lord Chancellor's duties were confined to sitting in the House of Lords, he would soon become a mere Judge of Appeal; he would soon cease to be what the Constitution prescribed he ought to be—the first lawyer in the country. Even as a Judge of Appeal we might set him up, and plant him on the Woolsack; we might give him power; but would he have any authority? would he satisfy the Courts below? would he satisfy the suitor?—would he satisfy the profession? See the course which would then be taken in the appointment of a Lord Chancellor. He would then be chosen because he was a cuning intriguer behind the curtain—because he was a skilful debater in the House of Lords. Would such a man be qualified to decide appeals from the Vice-Chancellor, from the Master of the Rolls? He would hear, and he would listen—he would discover a hole to pick here, a word to carp at there—now a commentary to hazard—then a remark to risk—but would he be competent to grapple with the difficulties of a complicated case? Would he have any confidence in himself? Certainly not, because he would well know that the profession had no confidence in him. Such a Lord Chancellor, he engaged to say, would confirm at least nineteen out of twenty appeals. That which ought to be the last resort of suitors, the controller of judges, and the security of right, the power of the appellate jurisdiction, would exist only in name." These were authorities down to the present time; and he invited his noble and learned Friend on the Woolsack to cite any authority to the contrary that was entitled to or deserved any, the least consideration. He was not disposed to leave the subject here. He did not mean for a moment to say that nothing was necessary to be done; he did not mean to say, that improvement was not required. When noble Lords came into office so far back as 1830, much was expected on this head from them. They had previously indulged in attacks upon their predecessors for not amending the Court of Chancery—for not devising some means of getting rid of the arrear of appeals; and they came into office, if not under an express pledge, certainly under the strongest implied pledge, that they would do that which they had condemned their predecessors for having omitted. How had that pledge been fulfilled? Of his noble and learned Friend now absent (Lord Brougham) he wished to speak with the highest respect. He had disposed of more appeals at a given period than any Judge who had preceded him, or any who could succeed him, and he was now suffering, unfortunately, the consequences of that labour. He begged he might be understood as speaking of the noble and learned Lord's legislative measures only. It was true that a Bill had been brought in by him to amend the ministerial offices of the Court of Chancery, a subject which had nothing to do with the present question. In 1833, however, the first measure referring to this subject was proposed and laid upon the table. Though that measure was printed, yet by some means or other it had never got into circulation. He had procured a copy of it by pure accident. The object of that Bill was to establish a new appellate tribunal, but its provisions were of such a character as to induce an opinion that no person who was not a fit subject for the administration of one of the powers of the Court of Chancery would ever have resorted to it. He, therefore, was not surprised that nothing more had been heard of that Bill. In 1834 noble Lords opposite presented a second Bill, which was read a first time, printed, and laid upon the table. That Bill was one of the most ingenious contrivances that ever entered into the mind of man. Its object was to transfer the appellate jurisdiction of this House to another tribunal, and what was that? Why, forsooth, the judicial Committee of the Privy Council, a tribunal consisting of two or three common law Judges, of the Chief Justice in Bankruptcy, of two civilians; and who did the House think was to be the president? Why, one of those sort of Chelsea pensioners, some ex-Chancellor, or another. Though that second Bill was printed, it, like its predecessor, was abandoned; and now there was a third measure, which was neither more nor less than the old measure which had been under the consideration of the profession sixty years ago, and which during that period never was mentioned without being scouted. This was the manner in which noble Lords opposite justified the attacks in which they had so long indulged against their predecessors. He had already stated, that a great additional judicial power was required to make the Court of Chancery efficient, and he thought it was a monstrous thing that in a great nation like this there should not be a judicial establishment so strong as to enable it to hear and dispose of a cause in equity the moment it was ripe for hearing. Viewing the question in that light, he (Lord Lyndhurst), with the permission of that House, in 1830, carried through a Bill which had for its object the making an additional Judge in the Court of Chancery. That Bill was passed with the entire approbation of this House, and of the noble and learned Lord to whom he had already alluded. That Bill went to the House of Commons, where it was, indeed, most roughly handled, and its author treated with anything but the courtesy which he justly expected from an unreformed House of Commons. It was said to be unnecessary, it was so stated by the then Master of the Rolls, and by the Vice-Chancellor, that very Vice-Chancellor who, when examined before the Chancery Commission, being asked if three Judges were not sufficient to transact the business of that Court, exclaimed in a manner peculiar to himself, "Oh, no, nor three angels." He knew not whether the florid appearance of the countenance of the learned Vice-Chancellor had made it evident to the House that he at least was not overworked, but at all events, the Commons rejected the Bill. He must now call the attention of the House to a few data as to the number of causes disposed of by the two branches of the Court of Chancery. He found that in 1830 the number of causes entered for hearing was 898, and in 1835, 882. In 1830 it was said that the object of his Bill was to enable the Chancellor to lead a life of indolence and pleasure, though the number of causes was greater in that year than now; and though at that time there were ninety appeals in arrear, while at present there were none. Again, at that time all the bankruptcy business was done by the Chancellor and the Vice-Chancellor, and that had now been transferred. The rejection of that Bill, in 1830, experience told him was founded, not on principle, but upon feelings of party and of faction. He had said that additional assistance was necessary; in that he agreed with his noble and learned Friend on the Woolsack. He also agreed with his noble and learned Friend that there had been a great increase of business, although, in some respects, he must admit the returns were incomplete and imperfect. They presented the difficulty which he knew not how to reconcile—namely, that the number of Bills filed did not bear any proportion to each other, or showed that increase. In the year 1752, 2,169 Bills were filed, and in 1830 only 1,960, being a diminution of 209. That being so, he was ready to admit the return of the causes set down for hearing was the best test. He found that for the five years ending 1770, the average number of causes set down for hearing was 2,023; that for the five years commencing 1820, the average was 3,352, being an increase of one third; and for the five years commencing 1830 and ending 1834, the average was 4,752; so that, taking that return, the business had nearly doubled within sixty years. The increase of business arising from the hearing of motions and petitions had been still greater, but when his noble and learned Friend stated this increase, he ought at the same time to have called the attention of their Lordships to the fact that the judicial strength during that period of time had also been doubled. When he held the office of Master of the Rolls he had sat only twelve hours in the week. He had afterwards suggested to the late Master of the Rolls, that he ought to sit like the other Judges, during the day, and the suggestion was adopted, and now the Master of the Rolls, instead of twelve hours, sat thirty hours in each week, thus more than doubling the time formerly devoted to that Court. It appeared on reference to history, that from the very earliest time the Court of Chancery had been a subject matter of complaint—it had been so in the time of Sir Thomas More, and of Lord Bacon, and though the complaints were loud, no remedy had been provided. Cromwell, when Lord Protector, had issued an ordinance commanding that causes should be heard and determined in the same day that they were set down for hearing; that ordinance, however, he need scarcely say, was never carried into effect. Lord Coke made similar complaints, and in his time a Bill was passed, making an addition of two Judges. Even when that alteration the same complaints prevailed in the time of Lord Nottingham, Lord Chancellor Somers, and down to Lord Eldon's time, and yet there had never been sufficient judicial strength to hear causes after they were ripe for hearing. These delays of justice produced further delays, and he had no hesitation in now saying, that there ought to be one Judge more appointed, but he must deny that their Lordships could, with benefit to the administration of justice, or with the semblance even of propriety, take the Lord Chancellor from the duties of his office in the Court of Chancery. One-third of his time was quite sufficient for his attention to the business of this House, and the remaining two-thirds might well be devoted by him to the Court of Chancery. In a word he wished for the appointment of another Judge, but he never could consent to a division in the character and duties of the office of the Lord Chancellor. He protested, however, against the principle of separating the office of Lord Chancellor, or taking him from his proper jurisdiction. But his noble and learned Friend on the Woolsack said, that to create an additional Judge would increase the number of appeals. He could by no means concur in this opinion. The increase of the business was to be attributed to the delays in hearing causes when ripe, requiring motions to be made in aid of the cause,—motions frequently involving the whole question at issue between the parties. Those motions not unfrequently became the subject matter of appeal, and thus it was, that the business was increased. Provide for hearing causes without delay when ripe, and the number of motions would be diminished by one half. Again, there was another reason to show why a new Judge in Equity was necessary. The House was well aware that a Commission to inquire into the practice of the Court of Chancery was appointed, and the Commissioners reported upon the necessity of accelerating the hearing of causes when once set down. What was the use of accelerating a cause to one point, and then to stop? Such, however, was the case; no remedy was suggested by the Commissioners, though they stated that greater judicial strength was essential. Was it necessary for him to read any further authorities? He could not refrain from alluding to the evidence of his noble and learned Friend opposite (Lord Langdale), given by him before the Commissioners. His noble and learned Friend had said that "in many instances the delay between setting down a cause for hearing, and the hearing itself, exceeds all the other unnecessary delays put to together;" and his noble and learned Friend went on to say, that "the present number of judges in equity were not sufficient to get through the business." In that opinion his noble and learned Friend was corroborated by the evidence of Mr. Bell, Mr. Heald, Mr. Shadwell, and by Mr. Roupell. His noble and learned Friend had on the same occation said, "that any accumulation of causes set down for hearing was a disgrace to the country, and that the objection to the appointment of new Judges on the ground of patronage and expense ought not to weigh against pressing necessity." It seemed agreed, then, that further judicial strength was necessary, but no remedy was suggested in the Report. The Court of Exchequer was a Court of Common Law, and also a Court of Equity, for it had an equitable jurisdiction ingrafted upon it. It was, however, without any Judges in Equity. It was true that his noble and learned Friend, the Chief Baron sat as an equity Judge whenever he could afford time, and Mr. Baron Alderson assisted; when they could not sit, the business was suspended. Here there was a Court in which they had suitors, but no Judges. What he would recommend was, that a permanent Judge should be added to the Court of Equity. As to the expense, that was not to be regarded when the importance of the measure was considered. His noble and learned Friend on the Woolsack looked upon the Judges of the Court of Review as unnecessary, and said, that the Commissioners did the business so well as to leave nothing for the Judges to do. He had long since predicted that such would be the case. In the course of four years the Judges had made 2,443 orders, and, in the four preceding, 2,476 orders were made by the Chancellor and the Vice-Chancellor. He would suggest that the business of the Court ought to merge in another tribunal. What he proposed was, that instead of the Lord Chancellor, an additional Equity Judge should preside over the Privy Council. The jurisdiction of the Privy Council took cognizance of the administration of the laws of Spain, France, Holland, and other countries. The new Judge should be conversant with the principles of law in reference to all those countries. He should at the same time hold the sittings of the Court at certain stated periods. The Judges attending the Judicial Committee of the Privy Council should be relieved from giving their attendance at the Old Bailey. An efficient tribunal might thus be constituted for every necessary purpose. This was the outline of what he had to propose. The principle of the present Bill was to separate the office of the Lord Chancellor, and to that he could never agree. If his noble and learned Friend would frame any measure upon the suggestions which he had thrown out, he would be ready to give it his cordial support. He knew that his noble and learned Friend opposite (Lord Langdale) had a measure to propose, and everything which came from him on the subject was entitled to the highest consideration. He had stated now his opinions of this measure; to its second reading he could not consent. His noble and learned Friend opposite (Lord Langdale) would state his views, and it would be for the House to say what course it would pursue. In the mean time, he felt it to be his duty to move as an amendment upon the motion of his noble and learned Friend on the woolsack, that this Bill be read a second time that day six months.

Lord *Langdale* spoke as follows*: My

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* From a corrected Report published by T. and W. Boone.

Lords, I rise to address your Lordships under feelings of considerable embarrassment, not only from the pointed manner in which I have just been alluded to by my noble and learned Friend opposite, but also from a consciousness of the great difficulties which surround the subject under consideration. That subject seems to have been treated by the noble and learned Lords who have preceded me, as if it related only to the administration of justice in the Court of Chancery and in this House. To me, however, it seems to relate to the general administration of justice in all the courts of the kingdom, and also to be necessarily connected with the exercise of the legislative power of the High Court of Parliament. In my view, therefore, the importance of the subject cannot be too highly estimated; and it seems to me to be of a nature so exalted as to remove it far beyond the reach of party or political feeling. My noble and learned Friend, indeed (Lord Lyndhurst), set out with stating that it was his intention not to consider the question as a party question; and if in the course of his address he somewhat swerved from his resolution, his doing so is scarcely to be wondered at, when it is recollected that his own propositions on former occasions were, by his opponents, treated only with a view to party purposes. My Lords, the returns on the table are extremely important, as affording proofs of various facts necessary to be considered, and which I have considered with the best attention in my power. It is not my intention, however, to state the results in detail, but rather to suggest to your Lordships a more general view than has hitherto been presented of the consequences which flow from the many duties imposed upon the Chancellor. The extent of those duties is, in my opinion, a principal source of the evils complained of; and so clear does this appear to me, that I can hardly imagine my noble and learned Friend does not equally perceive it. When, indeed, he states that you may debate respecting the King's Bench, or other courts, and no political feeling will be thereby excited, but that once approach the Court of Chancery and the hostility of party is aroused, does he not inadvertently admit the fact? Does he not perceive that the reason simply is, because the Chancellor who is the highest judicial officer, is also one of the highest political officers of the Crown? After long consideration I have come to the conclusion, that to the union of those judicial and political functions in the Chancellor is mainly to be attributed the growth of many of the evils which we are all so anxious to remedy; and though I admit that many eminent authorities are favourable to the opinion of my noble and learned Friend, that the office of Chancellor cannot be divided with advantage to the country, yet I have to submit to your Lordships that my noble and learned Friend has not come to a just conclusion on this subject; and no small part of my embarrassment arises from this, that while he considers the partial division of the office to be objectionable, I, on the other hand, consider that the office ought to be divided to an extent much more considerable than has been hitherto proposed.

My Lords, in the consideration of this subject, it appears to me necessary that the attention of your Lordships should be called to the many great and important duties which the constitution of this country imposes on the person holding the great office of Lord High Chancellor; to the utter impossibility of those great and important duties being satisfactorily performed by one man, however great his abilities; to the inconveniences which necessarily arise from that impossibility; and to the measures which appear most proper to supply the defects and remedy the evils which I shall point out.

With respect to the duties of the Chancellor, your Lordships have been informed that they are partly judicial and partly political; and that his judicial duties are partly of original and partly of appellate jurisdiction; but in order that the subject may be understood with distinctness, it is necessary to be a little more particular.

As a Judge in matters of original jurisdiction, he has not only to hear and determine all the various matters which properly belong to the jurisdiction of the Court of Chancery, and various matters attributed to him by Acts of Parliament, but other matters which come before him as Visitor of Charities on behalf of his Majesty, and as Guardian and Superintendant of Idiots and Lunatics and their estates, by special commission from his Majesty.

As a Judge in matters of appellate jurisdiction, he is Speaker or Prolocutor of this House, in its judicial capacity, the supreme court of appeal for the United Kingdom; and he is Chief Judge in the Court of Chancery, rehearing and affirming, reversing or varying, the decrees and orders of the Master of the Rolls and Vice-Chancellor.

In both these respects he is in a situation somewhat anomalous. Strictly speaking, he is not a Judge of Appeal from the decisions of the Master of the Rolls, or the Vice-Chancellor; but the decrees and orders of the Master of the Rolls and the Vice-Chancellor, according to the practice of the Court, are not complete till they have been enrolled; before enrolment they must be signed by the Chancellor; when they are so signed they become his decrees and orders; till that is done, the suitors have, under certain sanctions, a right to have the causes reheard by him; and, under the circumstances which happen, such rehearings in most cases are substantially appeals. Strictly speaking, again, the Chancellor, though a Peer, is, no more than any other Peer, a Judge of Appeals in this House. The appellate jurisdiction (under circumstances to which I shall hereafter have to request your Lordships' attention) is vested in the House, and every Peer has his voice and vote. But, generally speaking, other Peers, even if attending the House, do not attend to the subject: and, notwithstanding some exceptions which have lately been more fre-frequent than they formerly were, the appellate jurisdiction of the House is in practice exercised by, and substantially vested in, the Chancellor alone.

As a politician, the Chancellor is the King's principal adviser in matters of law—a Privy Counciller—a Cabinet Minister—and a Great Officer of State, responsible in all matters ministerial and political which are connected with the custody and use of the Great Seal. He is the head of the law; he is or ought to be superintendant of the Courts of Law—the minister whose duty it is to attend to the due administration of justice there. He ought to attend to the Bills from time to time brought into Parliament, for making new or altering old laws. To him in particular the King, and the two Houses of Parliament, are entitled to look for advice and information in all matters which regard the administration of justice and the state of the law. He is the Speaker of this House in its political and legislative capacity; and, among his many other political duties, he is charged with the appointment and removal of Magistrates, and the patronage of the King's livings, under the value of 20*l*. a year, in the King's books.

I have given no more than an outline of the duties attached to the office; but it is evident that no man can perform them with satisfaction to himself and the public. The extent, variety, and importance of the business to be transacted, is more than sufficient to distract and overpower the most vigorous attention, if attempted to be conscientiously applied. In this state of things, what has been found most pressing has been attended to, the rest has been neglected; and the consequences have been—delay of justice in the Court of Chancery—delay of justice in this House—the neglect of many of those great political duties which consist in the superintendance of the law, and the administration of justice,—and the transfer of others of those duties to the office of the Secretary of State for the Home Department.

Again and again have the delays in the Court of Chancery and the House of Lords, and the inattention of the Chancello to Bills passing through Parliament, been ignorantly or from party motives attributed to a want of due exertion on the part of the Chancellor. Rarely indeed has the imputation been true,—the fault has been in the accumulation upon the Chancellor, of more and a greater variety of business than it was possible for any one man to dispose of. He cannot constantly and regularly attend to his judicial business in the Court of Chancery, because he is a Cabinet Minister and the Speaker of this House:—he cannot constantly and regularly attend the service of this House, because he is a Cabinet Minister, and a Judge in the Court of Chancery: — and he cannot constantly and regularly devote his attention to the great and important functions, political and legal, which belong to the holder of the great seal, because he is a Judge in this House and in his own Court.

Owing therefore to the multiplicity and magnitude of the duties imposed upon the Chancellor, there is in judicature a want of judicial power in the Court of Chancery, and a want of adequate judicial assistance to this House; and there is in legislation a want of power to attend in a proper manner to the various matters connected with the law, which come under the consideration of Parliament.

The want of judicial power in the Court of

Chancery is so frankly admitted by my noble and learned Friend opposite, that I shall take the liberty of assuming it, without troubling your lordships with the proofs in detail.

The consequence is delay in the administration of justice there,—a delay productive of the most serious inconvenience to the suitors and the public. The largest part of the whole property of the country which is litigated, is, in one way or other, subject to adjudication in the Court of Chancery. Those who consider how much the security of property, and the happiness of all ranks of people depend on the due execution of trusts,—the specific performance of agreements,—the settlement of accounts,—the administration of the estates of deceased persons,—the guardianship of infants,—the protection of the separate property of married women,—and the many other impartant subjects which fall within the jurisdiction of the Court of Equity, may form some notion of the importance of the Court of Chancery, and of the extent of suffering which must arise from undue or improper delays in the administration of justice there.

It is true that in the Court of Chancery there are many causes of delay besides the want of judicial power; and those causes of delay ought to be most carefully examined, with a view to remove them if possible, or to diminish their effect in cases where they cannot be removed: but of all the causes of unnecessary delay, the defect of judicial power is the most prominent; and until it is remedied, it is not only useless but a species of mockery to adopt other means to accelerate the decision of causes. Several years ago, it was well asked by my noble and learned Friend opposite, who has again asked to-night, why should you accelerate the process by which causes are made ready for hearing, if, when you have reached that stage, their further progress is stopped by the want of judges to hear them? The question was met by a suggestion now known to be without foundation, that there was no want of judges.

I shall not detain your lordships by detailing the particular inconveniences which arise from delay of the judicial business of this House. My noble and learned Friend seems to think, that all the judicial business may easily be disposed of. The arrears of Appeals and Writs of Error at the end of successive sessions, seem scarcely consistent with his view. Certainly the delays which happen do not all of them arise from want of the judicial assistance of the Chancellor owing to his other employments; but that many of them do arise from that source your lordships will be assured of, if you do me the honour to attend to the statement which I have to make of the attempts heretofore made to remedy them. The other great cause of delay arises from the suspension of all proceedings during the prorogation or dissolution of Parliament.

Your lordships are aware, that the appellate jurisdiction extends over the whole of the United kingdom, and comprises matters of law as well as of Equity; and that there ought to be no delay at least no unnecessary delay, in appeals, will I hope appear from this consideration alone, that every appeal involves an assertion that the judge has committed an error. If the assertion be true, injustice has been done to the appellant, and is in course of execution against him; if the assertion be not true, there is an imputation upon the judge which ought to be removed. In either case the matter ought to be inquired into and determined without any unnecessary delay.

It ought further to be observed, that the evils of delay are greatly increased by the collateral effects which result from it.

Delay begets delay. In the course of time supplemental facts arise—parties die or change their relative situation—new parties interested in the property come into existence—interests devolve or are transmitted, and various dealings with the property take place. Every event may and often does become a source of fresh litigation and fresh delay. Bills of Revivor and Supplement, and repeated interlocutory applications are the consequences, and in their turn become the causes of additional delay and increased expense.

The delay united with its attendant expense attends to shut the door of justice. The man whose violated rights require the aid of the law, and who ought to find redress in the courts, is deterred by the delay and the expense. The wrong-doer sits in tranquillity and triumphs; nay more, the same state of things which discourages *bona fide* litigation encourages *mala fide* litigation, and invites the wrongdoer himself into court; he comes with a fictitious complaint, not to establish a right but to extort submission to a wrong, and to secure to himself the fruit of his own iniquity. There are cases in which the injured party will rather submit to oppression or a compromise of his right, than expose himself to litigation, which he knows will be attended with great delay, and consequent anxiety and expense.

But delay, however, grievous in its consequences, cannot always be avoided, and is not always to be imputed to the court in which it occurs. There are cases in which unnecessary delay, to a great extent, may be justly imputed to the neglect or misconduct of the parties or their agents; there are also cases in which the truth cannot be investigated and ascertained without the consumption of a great deal of time, *i. e.* without much delay. Cases of long pending accounts, of intricate transactions—cases of complicated and artfully concealed fraud—cases of trust, the execution or breach of which may extend over a long series of years, are cases of that kind: and these are the cases, above all others, which I have generally found made the subject of declamatory attacks on the Court of Chancery, and cited as proofs of unnecessary delay there; and there are persons who in ignorance, or in the eagerness of their party zeal, have denounced delay in terms which would seem to indicate an opinion that to be "swift of despatch" is the only or principal requisite of a good judge. There cannot be a greater or a more dangerous mistake. There certainly may be cases in which a rash, hurried, and wrong decision against the miserable suitor would to him be preferable to a prolongation of his suspense and anxiety. But haste or undue celerity generally produces injustice in the particular case, and it always tends to produce the appearance of injustice, and an universal distrust in the minds of all suitors and of the public; and in that way is more pernicious to the general interests of the public, than the undue delay of which I have endeavoured to describe the effects.

The office of Chancellor is, however, political as well as judicial, and I have next to beg the attention of your Lordships to the inconveniences which arise from the want of the due performance of those political duties which the Constitution attributes to that high office. It will be admitted, that it is the first duty of Government to provide for the due administration of justice, which is in fact the life-blood of a civilised community. But justice, though in its popular sense of wider import, in its practical application depends on the law—and it becomes necessary for the Government to take care, that the law, on which justice in its practical application depends, is in as good a state as the advancement of knowledge, the state of society, and other circumstances will permit. The constant fluctuation of all human affairs—the new sort of transactions in which men from time to time engage—the new relations in which they stand to one another, make it absolutely necessary for their welfare, and even for the peace of society, that such corresponding changes, as wisdom and experience may sanction, should from time to time be made in the law.

A constant and vigilant superintendance over the state of the law should therefore be diligently exercised. The mode of its working—the defects which may be observed—the inconveniences which arise—should be duly and regularly noted. The learned judges whose duty it is to administer, but who have no authority to make the law, when they meet with cases to which the existing law is not applicable, should give information to the Government, and the changes which may from time to time become necessary should be carefully considered upon a general system. In the absence of any efficient assistance in this respect from the Chancellor, the Government, in both its executive and legislative parts, is in want of a constant and safe guide to useful improvement when there is need of it, and of a constant and prudent check to inconsiderate innovation when ignorantly proposed.

It is impossible that the laws should be absolutely fixed, but custom will always give a preference to that which has been long used; and by adopting a proper plan of care and superintendance, you may acquire a fixedness of method and system which, admitting of such variations as the fluctuating state of affairs may and must from time to time require, will nevertheless establish and confirm those settled notions of right and duty on which the welfare of society depends. The law cannot be looked up to with the same blind veneration that it used to be when involved in mystery and obscurity; but it will receive a different and more valuable sort of veneration, when all rash changes are checked, and all useful suggestions are adopted, as they ought to be, upon a general plan, for the purpose of making the whole system conform to the habits and manners of the people at large.

Most justly has it been said, "*Morosa morum retentio res turbulenta est, æquè ac novitas;*" and truly have we experienced it in this country. There was a time, which all who have attended to the subject may remember, when no change that could be resisted was allowed; when men of great power and influence really believed that our system of law was not only better than that which was enjoyed by any other country, but was as a whole, and in every part, better than any thing else which the wit of man could suggest; when Government, or the law authorities, instead of watching the system with a view to improvement when safe and proper, watched the system only for the purpose of protecting it in the state it then was. That plan of resistance was for a time eminently successful; but the necessity and the desire of change went on increasing, and at length prevailed. Proposals to change then came on with a rapidity which scarcely admitted of control. The Government has from time to time found itself embarrassed by the proposals to change which have been made, and by its own incapacity to afford them due consideration. The Chancellor was the person upon whom the duty devolved, but it was utterly impossible for him to perform it, and the expedient has been, to appoint commissions to inquire into the state of the law in its different branches, and to suggest remedies for ascertained grievances.

We have, accordingly, within a few years past, had, in England alone, Commissions to inquire into the state of the Court of Chancery, the Courts of Common Law, the Law of Real Property, the Ecclesiastical Courts, and the Statute and Criminal Law. The expedient was in perfect conformity with the established practice of the Constitution, but was never before so extensively resorted to. The Commissioners, generally speaking, have applied great knowledge and industry in investigating the subjects submitted to their consideration. They have collected a great mass of very valuable information, and made many useful suggestions. But they worked separately, collected their information and made their suggestions separately, with special regard to their own peculiar objects and circumstances; and their recommendations have not always been perfectly consistent with one another. If there had been a central power to compare their different reports with each other and with the whole system of the law; if there had been a minister able to bestow his own time on the subject, to consult the judges and officers engaged in the administration of the law, and, after receiving their advice, to procure the proper Bills to be prepared, and to explain to Parliament the foundation and reasons of the proposed changes, *i. e.* if the time of the holder of the Great Seal had not been otherwise occupied, the country might, before this time, have derived infinite benefit from the Reports of the Commissioners. Under the circumstances which have existed, some fruits, nay, considerable fruits, have been derived from their valuable labours; but I would venture to ask the members of the successive Governments which have existed during the last ten years, if the difficulty of determining whether the recommendations of the Commissioners should or should not be adopted, or, that difficulty being overcome, whether the diffiulty of preparing, bringing forward, and explaining the necessary Bills, have not been in many instances insuperable? and whether this has not arisen solely from the want of sufficient knowledge and power in the Government to attend to the subject?—a want of sufficient knowledge and power, which would not have been experienced if the holder of the Great Seal had not been so unavoidably occupied with other matters as to prevent his giving due attention to the subject. And I confidently ask every man who has witnessed with any attention the manner in which Acts of Parliament for alterations in the law are prepared and brought forward, whether he is not satisfied that very great public inconvenience constantly arises from the want of some constituted and responsible Minister capable of attending to the subject, and of giving the requisite information and proper assistance in laying the proposal before the legislature for its consideration, and in framing, and finally settling the details of the law, when the general principle is approved of?

It is in vain to disguise the fact—every Government has struggled with the difficulty, and at times even attempted to dissemble it; but the present arrangement of the offices does not afford the country the benefit of a constant and vigilant superintendance over the administration of justice, and does not afford to the executive Government and to the legislature such regular and constant information respecting the state of the law, the proceedings and situation of the courts, and all other matters relating to the administration of civil and criminal justice, nor such assistance in the preparation of new laws, as may afford the best guide to safe and useful improvement, and the most secure check to rash and ignorant proposals to change. Without a proper guide, the Parliament proceeds from year to year blundering in legislation, accumulating one statute upon another, without system and without order; and the statutes themselves are often framed in such a manner as almost to defy interpretation; daily provoking observations in the courts of justice upon the carelessness and want of skill in the legislature.

But besides the inconveniences arising from the impossibility of performing the whole duties thrown upon the Chancellor, there are others which arise from some of the duties which he is obliged to perform being incompatible with one another, and unfit to be performed by the same man.

Being a Judge of rehearing in the Court of Chancery and, in effect, the Judge of appeal in the House of Lords, there have been in practice two successive appeals—one from the Master of the Rolls or Vice-Chancellor to the Lord Chancellor in the Court of Chancery, and a second from the Lord Chancellor in the Court of Chancery to the Lord Chancellor in the House of Lords.

The due administration of justice makes it absolutely necessary, that the decisions of every judge of original jurisdiction should be subject to reconsideration; not only upon a rehearing before the same judge, but upon an appeal to another judge or court; but a double appeal (being more than is necessary to secure the due administration of justice) produces unnecessary litigation, expense, and delay. We do not want an appeal in the shape of a rehearing and then a real appeal.

Lord *Lyndhurst*: That is what this Bill does in effect provide.

Lord *Langdale*: Yes: and my noble and learned Friend may recollect that that is one of the provisions of which I have disapproved. In order to the due administration of justice, two things are wanted—first, a rehearing, which enables the parties to offer new arguments, or present the case in a new light to the same judge, and affords to him an opportunity of correcting any errors into which he may have accidentally fallen; and secondly, an appeal to another judge or court, whenever there is reason to think that the judge has committed an error after the case has been duly presented to him, and he has had an opportunity of duly considering it. It is a great mistake to suppose that a cause cannot be candidly and fairly reheard by the same judge. I have been witness to many instances of that kind; and no doubt there are cases in which the Chancellor, in the name of the House of Lords, reverses his own decrees in the Court of Chancery. But this he might do in his own name, upon a rehearing in his own court, without the forms, or the delays and expenses of a pretended appeal to another court.

Moreover, the mind of a judge ought to be in a state of the greatest possible calm and tranquillity. His cool and undisturbed attention should always be given to the case before him, and he should be, if possible, protected from the agitation of political storms. Yet the Chancellor is left peculiarly exposed to them, and what is it that we may not see? The man is subject to human frailty; he is called from the judgment-seat to mix in party politics, and when his power is tottering to its foundation, or great political excitement exists, his feelings will show signs of their existence. One man may be almost dissolved in tears—another may collect himself into rigidity, by an effort too manifest not to betray his inward emotion;—another may scarcely seek to conceal the wild excitement which tosses his mind:—but all such scenes are unseemly on the judgment-seat, and all such feelings unfit the judge to do his duty there. It is clear that such things ought to be avoided; clear also, that a judge ought not to be liable to be assailed by the importunities and solicitations which inevitably crowd on the possessor of great patronage: clear also, that the suitors ought not to be subject to the great expense and inconvenience which is often produced by the change of their judge with the change of administration. Let the case of Lady Hewley's charity be taken as an example of this sort of inconvenience. The case was heard before a noble and learned Lord now absent (Lord Brougham), with the assistance of two judges. Before the decision was given, that noble and learned Lord ceased to be Chancellor, and the hearing went for nothing. The case was again heard by my noble and learned Friend opposite (Lord Lyndhurst), with the assistance of two judges; and before the decision was given, my noble and learned Friend in his turn ceased to be Chancellor: and this second hearing would also have gone for nothing if the parties had not consented to be bound by the decision of my noble and learned Friend, notwithstanding his loss of office. Experience has indeed sufficiently proved the great inconvenience resulting from the union of the political and judicial functions of the Chancellor.

In stating the inconveniences which appear to have arisen in the different ways I have mentioned, I should be sorry to have it supposed, that I impute them to the personal conduct of the eminent men who have successively held the high office of Chancellor. No man is bound to perform impossibilities; and certain I am, that no man in modern times has been, or is able to perform, in a satisfactory manner, the numerous important, complicated, and incompatible duties, which are attributed to the office of Chancellor. And if it should be said that the Chancellor, finding himself embarrassed by the multiplicity of his business, ought to have investigated the cause and provided a remedy; I shall answer, that it would have been better if he had done so, but that every lawyer has been brought up to contemplate the office of Chancellor as the great object of professional ambition, the great prize, the remote prospect of which allured the student to devote his early days to painful and laborious industry; and the possession of which rewarded a life of toil. To dim the splendour of the office by abstracting any of its attributes, has been thought a species of profanation; every legal mind has recoiled from the consideration of expedients likely to end in that result; and I cannot take upon myself to impute blame to those who, in such circumstances, have shrunk from the task. But, turn the matter in every way, the question forces itself upon us—What ought to be done with the office of Chancellor? From the numerous, complicated, and incompatible duties thrown upon him, the work of the country is not done; and I hope that I am not assuming too much when I venture to say, that it cannot be done without a division of his labour; and that to make the division effectual and beneficial, it should be made into three distinct parts, according to the three distinct classes of duty which the Chancellor has to perform: the judicial original—the judicial appellate—and the political. If the necessity, and also the principle of division be ascertained, we ought (I presume) to go the whole length to which the principle leads, provided we do so with the necessary prudence and caution.

There are three things to be provided for:—1st, sufficient original judicial power in the Court of Chancery; 2nd, sufficient legal and political power to enable the Government to give adequate attention to the state of the law and the administration of justice; 3rd, sufficient legal assistance for the exercise of the appellate judicial power of the House of Lords. And, to provide for these objects, I submit to your Lordships,—

That the Lord Chancellor should no longer hold the Great Seal, but be created by letters patent, and confined to his judicial functions of original jurisdiction in the Court of Chancery:

That the Great Seal should be delivered to a Lord Keeper, who should perform all the political functions which have heretofore belonged to, or ought to have been exercised by, the Lord Chancellor holding the Great Seal, but should have no judicial power whatever:

That this House should be made a satisfactory Court of Appeal, by the appointment of judges competent to do the work imposed on them, and responsible for the due performance of their duties.

My Lords, I consider that this may be done with due regard to the prerogative of the Crown, and to the dignity and privileges of this House. But I feel that I have now touched upon the most difficult part of my subject, and I can scarcely venture to proceed further without entering into some historical detail respecting the appellate jurisdiction of this House, and the attempts which have from time to time been made to reform the Court of Chancery.

It is not easy to trace accurately the origin of the legal authority of the House of Lords, in matters of judicature. The King was at all times considered as the fountain of justice,—as the authority to be resorted to in any case of grievance by error, delay, or obstruction in the ordinary Courts: and it was upon the King, or the King and his Council, especially his Council in Parliament, that the country mainly relied for redress. In the time of Edward 3rd, [14 Edw. 3, stat. 1, cap. 5,] it was enacted—

> "That at every Parliament should be chosen a prelate, two earls, and two barons, who should have commission and power of the King, to hear by petition delivered to them, the complaints of grievances and delays done in judicature; and by good advice of themselves, the Chancellor, and others, should proceed to take a good accord, and make a good judgment. And that in case the difficulty seemed so great that it might not be determined without assent of Parliament, the records were to be brought into the next Parliament, and there a final accord should be taken, what judgment should be given in such case."

The Parliament which originally possessed judicature was the High Court of Parliament, of which the King was the head, and the House of Commons a constituent part; but the House of Lords containing the only persons who in early times were competent to attend to matters of law, it is no wonder that the main jurisdiction centered there; and it was once conceived that any cause, and in any stage of it, might be heard and determined in this House:—that this House might receive the first plaint, or order the proceedings in an inferior court to be removed hither at any period, and assume the task of determining them. With these matters involved in the obscurity of what, for this purpose, may be considered remote antiquity, it is unnecessary to occupy time.

The appellate jurisdiction from the Courts of Common Law, was that which was first reduced to regular form. It rests upon the King's writ, which, after some variation of form, ultimately became a writ whereby the judge in the court below, upon alleged error, was commanded to bring the record to his Majesty in his Parliament, that he, with the assent of the Lords spiritual and temporal, in the same Parliament, might cause to be done what was right for correcting the alleged error.

Upon the consideration of the errors, it would appear that the learned persons who are now summoned to attend this House as the King's council here, had not only voice of advice, as they now have, but also voice of suffrage which they now have not; and that afterwards the King, either of his own authority or with the advice of the House, assigned a select number of Lords and Judges to hear and determine the alleged errors: but it has long been entirely settled, that when in pursuance of the King's writ the record is brought into Parliament, and the alleged errors are to be considered, it is the House of Lords who are to decide the question, though the Lords for their own assistance or satisfaction, may ask the advice of the Judges and others who attend the House, as the King's council here.

This was a settled course of proceeding before it became necessary to consider of appeals from the Courts of Equity. When the business of these Courts increased and their decrees became numerous, the necessity of providing some means of revising their judgments must have become obvious. But the great Courts of Equity—the Court of Chancery, the Court of Exchequer, and the Court of Requests, as well as the Equity Court of the Duchy of Lancaster, were presided over by the Lord Chancellor, the Lord Treasurer, and the Lord Privy Seal, and the Chancellor of the Duchy,—all great officers of state; and it was not easy to provide a remedy. The first expedient resorted to was, to apply to the King for Commissions to examine the decrees; and instances of such Commissions to examine the decrees made in the Court of Chancery, are found in the times of Elizabeth, and of James 1st and Charles 1st; but it was not unfrequent to attempt to vacate decrees, by Bill in Parliament in a legislative way.

It is probable that the House of Lords was first applied to by way of petition to itself, in the time of James 1st; and it is very singular, as showing the state of the jurisdiction at that time, that in a case in which the House had, upon petition, made an order that was complained of, they did not persevere in maintaining the order, but directed that the cause should be reviewed in Chancery, by the Lord Keeper, assisted by such Lords of Parliament as should be named by the House, and the Lord Keeper was to be a suitor to his Majesty for a Commission. The jurisdiction of the House was not freely exercised till after the Restoration; and after some disputes which had their origin in questions of privilege, the House of Commons, on the 19th of November, 1675, passed this resolution:—

> "Whereas the House has been informed of several appeals depending in the House of Lords, from Courts of Equity, to the great violation of the rights and liberties of the Commons of England; it is this day resolved and declared, that whosoever shall solicit, plead, or prosecute any appeal against any Commoner of England, from any Court of Equity, before the House of Lords, shall be deemed and taken a betrayer of the rights and liberties of the people of England, and shall be proceeded against accordingly."

The Commons soon after voted two appellants into custody. The Lords voted protection to the same persons, and declared the resolution of the Commons to be "illegal, unparliamentary, and tending to a dissolution of the government." Upon this the King prorogued the Parliament for fifteen months, and the dispute was afterwards settled under circumstances not well known. The Lords, however, succeeded in establishing their right. After the union with Scotland, (though the Act took no notice of the appellate jurisdiction,) appeals were brought to the House of Lords from Scotland, by petition to the

Lords without any application to the King; and by the Act of Union with Ireland, the appellate jurisdiction was expressly reserved to the House of Lords of the United Kingdom.

The jurisdiction which in process of time was thus firmly established, was at an early period disapproved of by Sir Matthew Hale, who pointed out the inconveniences arising from such a Court of Appeal from the judgments of learned Judges given with deliberation, and yet subject to be overthrown by one single content or not content; and it does seem a singular constitution, that a House composed as this is, should have power to decide in matters of law by a majority of votes against the opinion of all the Judges. This power, however, has been but rarely exercised. Very few instances of the interference of the House of Lords against the opinion of the Chancellor have occurred. The reason undoubtedly is, that whatever may have been done soon after the jurisdiction was first exercised, the Members of the House have generally thought it unbecoming to interfere in matters which they did not understand, or in which they might have a personal interest; and, in the result, it has generally been found difficult to induce the Lords to attend at all. The inconveniences indicated by Sir Matthew Hale, and which were experienced in his time, can be hardly said to exist in modern times. The whole business has been usually left to the Lord Chancellor or Lord Keeper alone; he has decided appeals and writs of error according to his own judgment and discretion, assisted when he pleased by other Judges; but his decisions have been made in the name of the House; and from the circumstance of his judgments being nominally those of the House, they have had, in the opinion of the public and of the profession, a much more imposing dignity and authority than they would have have had if pronounced by him as a single Judge in a distinct Court. In this view, the public were, for a considerable time, rather benefited than injured by an arrangement which at first seemed very objectionable. There were persons who smiled at the contrivances and ceremonies resorted to for the purpose of giving to the proceedings of one man the appearance of being the proceedings of the House of Lords; but, in substance, the public looked to the Chancellor alone; the Chancellor well knew that the only responsibility, which the nature of the case admitted of, vested in him; he took pains accordingly, and the public had the benefit.

But an inconvenience, not contemplated at an early period, arose. The Chancellor having, in substance, become the sole Judge of Appeals in the House of Lords, the business of Appeals could not ordinarily proceed in his absence; and, at the same time the business of the Court of Chancery was continually increasing. The business of Appeals was increased by the union with Scotland, and long afterwards by the union with Ireland. It would be tedious to trace the history with minuteness. The Chancellor had, as I have said, three sorts of business. He was a politician; a Judge of Appeal in the House of Lords; and a Judge in his own Court. His increasing occupations deprived the country, in a great measure, of the benefit of his general superintendence of the law; but there were parts of his political business of such urgent and pressing necessity that they could not be neglected, and they were not. The rest of his time was divided between the House of Lords and the Court of Chancery; and in neither place could satisfaction be given. I pass over the complaints which were from time to time made during the whole course of the eighteenth century, and come to a period of ten years after the union with Ireland. In the spring of 1811, there were depending in the House 296 appeals and forty-two writs of error; a Committee was appointed to inquire what measures it might be expedient to adopt, for the more expeditious hearing of causes brought into the House by appeals and writs of error. On the 20th May, the Committee reported that it would be expedient for the House to sit for hearing appeals, at least three days in every week during the Session; meeting at ten o'clock at the latest on each day, till the arrear should be considerably reduced, and subsequently two days in the week; that, as such a regulation would take up a large portion of the Chancellor's time, it was absolutely necessary that some relief should be afforded him in the discharge of his other judicial duties; and that it was expedient (in order to secure at the same time a sufficient attendance upon the House of Lords by the Lord Chancellor, and sufficient means for carrying on the business in the Court of Chancery) that an additional Judge in the Court of Chancery should be appointed. On the 30th May, the resolutions of the Committee were adopted by the House; and they were the germ of the Bill for the appointment of the Vice-Chancellor, which passed into a law about two years afterwards.

About the time when the Committee reported, the House of Commons instituted proceedings of their own on the same subject. The question was taken up as a party question. A desire to throw blame on Lord Eldon appears to have been at least as powerful as the love of justice in the minds of some of those who opposed the measure; and the debates of the period, though affording some useful suggestions, contain but little valuable instruction. There were those who thought, or said they thought, that the Chancellor, by his personal dilatoriness, was the sole cause of the obstruction to justice, both in the House of Lords and in the Court of Chancery. Others considered that the arrears might be effectually disposed of, and the growing business kept down, by inducing the Master of the Rolls to take upon himself a greater proportion of duty than he then performed; by taking from the Lord Chancellor the business in bankruptcy; by separating the office of Speaker of the House of Lords from that of Chancellor; or by making the office of Chancellor of the Duchy of Lancaster efficient.

The Bill at length passed without any material alteration. In the course of its progress through the House of Lords, Lord Eldon had said, "that according to the mode of proceeding theretofore acted upon, the arrears then on the table could not be disposed of for eleven years from that time;" and Lord Redesdale had said, "Either that measure must pass, or the House must abandon its appellate jurisdiction. Which was the most constitutional course," he said, "it needed no argument to point out." The preamble stated, that

> "The number of appeals and writs of error in Parliament had of late years greatly increased, and it had become necessary that a larger proportion of time should be allotted for hearing and determining such appeals and writs of error, than had usually been employed for that purpose, and therefore, as well as for the better administration of justice in the several judicial functions belonging to the offices of the Lord High Chancellor, Lord Keeper, or Lords Commissioners for the custody of the Great Seal of the United Kingdom, it is expedient that another Judge should be appointed to assist in the discharge of such judicial functions, Be it therefore enacted, &c."

Throughout the proceeding, it was assumed, that delays in the Court of Chancery arose from the absence of the Chancellor to attend to the business of the House of Lords; and that the judicial business of the House of Lords could not be transacted without withdrawing the Chancellor from his own Court, to an extent which would be injurious to the suitors there, if other assistance were not provided.

The Bill having become a law, the Vice-Chancellor took his seat in the Court of Chancery, and the House passed the order which in the book is numbered 182, for hearing causes three days a week. The predictions of the opponents of the measure were fulfilled in this, that the Lord Chancellor became almost entirely a judge for rehearing the orders and decrees of the Master of the Rolls or Vice-Chancellor; but in other respects the result did not answer the expectations of either supporters or opponents. A great deal more business was done, both in the House and in the Court of Chancery, but the business was by no means cleared off; and ten years afterwards the House was told by Lord Liverpool that "when the measure was proposed in 1813, for hearing appeals during the whole morning, three days in the week, in that House (and which had been rigidly adhered to), it was expected that when the then existing arrear of appeals was got rid of, the number would be so kept down, that one day in the week would suffice for hearing them, and that the Lord Chancellor might then be enabled to devote the other two days to the business of the Court of Chancery. So far, however, from this being the case, the number of appeals had actually increased since that period, the number lodged being 570, considerably more than the number heard and decided." A Select Committee was consequently appointed, to consider of the best means of facilitating the administration of justice as connected with the hearing of appeals, writs of error, and other judicial business. In June 1823, the Committee made their Report, and after adverting to the establishment of the Vice-Chancellor's Court, and the 182nd order of the House, they stated that all the exertions which were used had at length been found ineffectual; and then they expressed themselves in the remarkable words already quoted by my noble and learned Friend on the Woolsack,—"There is now a manifest impossibility, that any person holding the Great Seal can find the time which is requisite for the business of the Court of Chancery and the House of Lords, and for all the other great and arduous duties of his high office." Nobody can read the report without acknowledging that the

Committee took a great deal of pains, and investigated not only the immediate objects of their inquiry, but some other important subjects connected with them. The Committee, however, came to singularly weak conclusions. They recommended the appointment of Speakers by Royal Commission for the hearing of appeals, and a compulsory proceeding to enforce the attendance of Peers.

It was not difficult to procure the appointment of Speakers, and, perhaps, not very difficult to induce the House to make orders to compel the attendance of Peers, but some discussions took place. In proposing the orders, which bear date the 7th of July, 1823, and are numbered from 200 to 209, Lord Liverpool felt the difficulty of his subject; he intimated his opinion, that there were strong reasons for removing the Scotch appeals to some other jurisdiction, and stated " that he objected to the separation of the office of Chancellor from that of Speaker of the House of Lords, and was unwilling to see that high and ancient office frittered away by regulations for reducing or dividing its duties." Lord Eldon took occasion to say, " that he had never known any man in the profession who had not deprecated the separation of the two offices of Lord Chancellor and Speaker of the House of Lords. Against that project, therefore, he opposed not merely his own individual opinion, but the collective opinion of an acute and intelligent profession." Your Lordships will perceive that I make no attempt to conceal or disguise the weight of authority which there is against my argument.

It is to be remarked, that in the course of the debate, Lord Colchester stated, that " prospective measures were in contemplation to prevent the future growth of appeals, and, amongst them, he mentioned his understanding that a revision of the practice of the Court of Chancery had already reached the first stage of its progress, and that a complete report had been made to the Chancellor of all the regulations established, from time to time, by those who had held the Great Seal; and that upon the foundation of that Report the Chancellor, in conjunction with the other two judges of his court, might proceed to make great improvements in the administration of justice in that court." Whether any material progress was made in that very important work does not appear, but Lord Speakers were appointed, and the orders (200 to 209) providing for the compulsory attendance of Peers were made. They continued in operation till the 1st of February, 1828, when one of them was vacated, and the rest of them were suspended; it being, I believe, found more troublesome to enforce the process for compulsory attendance, than to induce particular lords to attend by solicitation.

Whilst the House proceeded to hear appeals under the presidency of Lord Gifford as Lord Speaker, the attention of the House of Commons was strongly directed to the delays of the Court of Chancery; and the task of revising its practice being probably found more difficult than was expected, in the year 1824 a Commission issued, to inquire whether any and what alterations could be made in the practice of the Court, or in the offices of the Court, by which expense and delay might be diminished, and also whether any business could be usefully withdrawn from the Court and committed to any other Court. The Commission diligently and fairly pursued the objects of their inquiry—they examined many witnesses, and made a report, which, though in my opinion it fell short of the exigency of the case, did nevertheless recommend many useful regulations, and in useful efficiency exceeded the then expectations of the public. There seems no reason to doubt, that the Government of that day was desirous to act *bona fide* upon the recommendation of the Commissioners. My noble and learned Friend opposite, who then held the office of Attorney-General, brought a Bill for that purpose into the House of Commons; he resumed it in the following year, when he was Master of the Rolls, and would probably have persevered, if he had continued a member of that House; but being elevated to the office of Chancellor, he had occasion to consider the subject in a new point of view. I can bear witness to the anxious attention which he paid to the propositions which had been recommended by the Commissioners; but no new orders were published till April, 1828; and at last it became, I believe, perfectly manifest to his mind, that an increase of judicial power in the Court of Chancery was absolutely necessary to give the suitors the full benefit of any other regulations which might be adopted; and accordingly in May, 1829, and afterwards in May, 1830, he brought Bills (for there were two, and not one Bill only, as might be collected from his statement to-night) into this House "for facilitating the administration of justice in suits and other proceedings in equity." Both of these Bills authorised the appointment of an additional judge in the Court of Chancery, subordinate to the Lord Chancellor. The first contained a proviso, enabling the Master of the Rolls to dispose of business not usually transacted in his Court. This proviso was omitted in the second Bill, which contained a clause enabling his Majesty to discontinue the new judge, if he should think fit, in case of vacancy.

Nothing can be more clear than that my noble and learned Friend opposite, was well founded in his opinion, that there was a want of judicial power in the Court of Chancery. When he brought in his first Bill, he proposed that the master of the Rolls should sit in the morning like other judges, and that the equity jurisdiction of the Court of Exchequer should be transferred to his proposed new judge. I believe that I am right in supposing, that if an increase of judicial power had been obtained, the noble Lord meditated other changes to a considerable extent: amongst them, some changes carried into effect by his successor, such as diminishing the number of the London Commissioners of Bankrupt, and taking from the masters and other officers of the Court, all interest in copy-money; and a most important change, which I hope will become the subject of more consideration hereafter, viz., the establishment of local ministerial authorities, to perform, at less expense, many important functions now exercised by the Masters in London, and by special Commissioners in almost every suit: I say, that I have reasons to believe that such objects as these were meditated by the noble Lord; but undoubtedly he did not develope the whole of his plans, and they were not well or clearly understood by the public, or by the House of Commons; they were most vehemently opposed, and most languidly supported by everybody but himself. To-night, if he will excuse me for saying so, he has shown some irritation in noticing the manner in which his proposal was treated by his opponents; to me it seems, that he has at least as strong ground of complaint against many of those who were ranked among his friends. Both his Bills passed this House, but the Bill of 1829, after one reading in the House of Commons, was postponed till the next session: and the Bill of 1830 was not resumed in the House of Commons after the death of the late King, (Geo. 4th.) which happened during its progress. Before the end of the Session, the important statutes generally known in the profession by the name of "Sugden's Acts" were passed under the auspices of Government, and effected important improvement in the process, and in the administrative power of the Court of Chancery.

In November, 1830, there was a change of Administration, and, before the attention of the new Government could well be directed to the subject, Sir Edward Sugden took occasion to state his view of the question of Chancery reform. His speech on the subject was delivered on the 16th December, 1830. He made a great variety of useful practical suggestions, which it would be well for every judge, and for every practitioner in the Court to give serious attention to. He did not propose the appointment of a new judge, but to make the Vice-Chancellor independent of the Lord Chancellor, to make the Lord Chief Baron exclusively an equity judge, and assimilate the practice of the equity side of the Court of Exchequer, to that of the Court of Chancery, and to create an intermediate Court of Appeal, consisting of three out of the four equity judges intended to remain: and he declared, that the intention to remove the equity jurisdiction of the Court of Exchequer, had never for an instant been entertained by him.

The idea of such a court of intermediate appeal was taken from the Court of Exchequer chamber. Every thing which proceeds from the very learned and eminent person by whom this scheme was recommended, is entitled to attention and respect; but on the best consideration which I have been able to give to the subject, it does not appear to me that his plan could have succeeded. Whilst three judges were occupied in hearing appeals, one only could have been left to hear original causes, and such an impediment would have greatly increased the obstruction.

When the noble and learned Lord now absent (Lord Brougham) became possessed of the Great Seal, he contemplated, and soon afterwards effected many important changes. At first he was so far from supposing that the appointment of a new judge was necessary, that he seems to have thought the Court stronger than enough, and he actually expressed his opinion, that by the changes he was to bring about, he should be able to dispense with the office of Vice-Chancellor. This was in February, 1831. In July, 1833, further experience had so far altered his Lordship's views, that he laid on the table of the House a Bill, entitled, "An Act for appointing a Chief Judge in Chancery, and for establishing a Court of Appeal in Chancery." The proposed new judge was, with certain exceptions, to have in the Court of Chancery all the powers and jurisdiction of the Lord Chancellor; and the new Court of Appeal was to be constituted by letters patent, and to consist of the Lord Chancellor, the new Judge, the Master of the Rolls, the Vice-Chancellor, and the Chief Baron of the Exchequer, any three of whom were to form a Court: and there was to be a right of appealing from this Court of Appeal to the House of Lords, if the three judges did not concur, or if they did not confirm the judgment appealed from. The proposed intermediate Court of Appeal was evidently framed on the model of Sir Edward Sugden's plan, and was liable to the like objections. By the appointment of the new judge, it was intended to reserve to the Lord Chancellor his political functions, his ministerial functions, and his functions as a Judge of Appeals in the House of Lords, in the Privy Council, and in the Court of Chancery, and his jurisdiction in matters of lunacy.

In the course of the next year, another plan was proposed by the noble and learned Lord, and in August, 1834, he laid upon the table of the House a Bill, entitled "An Act to alter and amend the appellate jurisdiction of the House of Lords, and for certain other purposes." The principal object of the Bill was, to enable the House of Lords to refer matters of appeal to the Judicial Committee of the Privy Council. The Bill was printed, but the subject of it was never discussed in the House.

It is right to observe, that during the Chancellorship of the noble and learned author of the two Bills I have last mentioned, Acts of Parliament were passed, which took from the Chancellor all interest in fees, and took from the Masters in Chancery and Registrars all interest in fees and copy money, and thus effected an object previously contemplated by my noble and learned Friend opposite, and which more than any thing which I am aware of, has cleared away obstructions to future improvement. Some inconveniences may for a time arise from them. The gain on each particular step in a proceeding is taken away; with the gain are lost, at the same time, the stimulus to advance, and the temptation to multiply steps. The temptation to multiply steps and increase the number of fees to be received, seems to me more likely to produce bad consequences than the loss of the stimulus is likely to do; and I think that regulations may be adopted to secure due exertion without resorting to the interest of the purse.

My Lords, after the detail, which I am afraid may have been thought tedious, it seems scarcely necessary to say, that it would ill become me to dogmatise on a subject of so much importance and difficulty. I shall not err by over confidence; and having used my sincere endeavours to find an adequate remedy for grievances admitted to exist, I may, perhaps, be excused for hoping that blame will not be imputed to me if I should, after all, be unable to produce a plan which meets the views of many of your Lordships. I ask of your Lordships to give me credit for having examined the subject, and for stating frankly to your Lordships what has occurred to me after careful consideration.

Consider, then, how the case stands. You are possessed of and now legally exercise the functions of the highest and last Court of Appeal. Your decision is absolutely conclusive. It not only finally binds the right of the parties immediately interested in the case before you, but it fixes the rule which is to guide the decision of inferior Judges in all cases of the like kind. In the anxiety which often presses on the mind of an inferior Judge, knowing that in some cases, after he has done every thing in his power to decide justly, he may nevertheless commit an error, he has at least this consolation, that his error will probably be detected by an acute, intelligent, and enlightened bar; and that when detected it is open to correction, on rehearing or appeal. But your Lordships, when you decide in judicature, have no such refuge; if, in the frailty of human judgment, injustice should be done by your decision, it is fatal; there is no redress; the brand for ever remains; for why should I speak of the power, (though theoretically power there be) in the High Court of Parliament. By so much the more, then, is it incumbent on your Lordships to take all possible care to avoid any error or mistake; to see that those things which (I hope I may say without offence) most of us do not know and cannot understand, be committed to the agency of persons who do know and understand, and have the means of satisfactorily performing those most important duties, for which we are all responsible.

It may be said, and truly, that little of public and general complaint is heard. It is so. Of all the grievances which afflict a country, none are so pernicious, none tend so certainly to unfasten all the bands which hold society in peace and harmony together, as those which are found to prevail in Courts of Justice; but there are none which excite so little clamour or alarm; none, perhaps, which attract so little of public attention. Whilst the suit is in progress, both parties are afraid to excite an unpleasant feeling in the mind of the judge. When the suit is decided, the successful party if he thinks his cause right, boasts of the triumph of justice; if he is conscious of wrong, and thinks that he has prevailed by the error of the Judge, he will at least enjoy his unjust success in silence: whilst the unsuccessful party, whether he suffers justly or unjustly, is overpowered by the authority which decides against him. If he complains at all, it will be in vain. A disappointed suitor meets with even less attention and regard than a discarded servant; and thus it happens, that in cases of even serious grievance the truth may never be known. In matters of judicature, therefore, you often want the index which is afforded you in other cases of grievance, and on that account again it is the more incumbent on you to take care that all just ground of complaint is removed.

In order that this House, as the highest and last Court of Appeal, may be able adequately and satisfactorily to perform the great and important functions with which it is invested, I submit to your Lordships, that the most eminent lawyer who can be found, eminent for learning, for integrity, and for judicial character, should permanently preside over it in all business of appeals or writs of error. That he should hold his office during his good behaviour, and be thereby wholly exempt from political excitement, or the effect of political changes.

And recollecting that the cases which come here are cases of equity, cases of common law, and cases of Scotch law, and that in these days you scarcely find any lawyer who is particularly conversant with more than one of these different systems of law, I submit to your Lordships that the learned Judge, whom, for the sake of discussion, I propose to call "Lord President of this House in matter of Appeal and Writs of Error," should have Assistants, to be selected from amongst the persons most eminent in the different branches of the law administered here. What I submit is, that the assistance should be regular and constant; that the learned persons who afford it should not necessarily be Peers, but should be called "Lords Assistant of the House of Lords, in the matter of Appeals and Writs of Error," and should be seen and known by the public to be steadily engaged in that important service; and for that purpose should hold their offices during their good behaviour; that they should always be found here, and always be called upon openly to give their advice to the House, before the judgment is pronounced.

My Lords, I do not propose to deprive the House of the valuable assistance of the learned Judges of the Courts below, or of the other persons who are summoned here as of the King's Council in the House of Lords. It may often be most important to ask their opinion as is now done, but their employment elsewhere is too important and pressing for them to attend here with the frequency that is requisite for the daily administration of justice.

Having submitted to your Lordships, that it is necessary to provide a Chief Judge and proper Assistants in this House, I have next to submit to your Lordships, that provision should be made against any unnecessary delay.

It is too obvious for argument, that the course of justice ought not to be checked or in any way impeded by the political reasons which determine the prorogation or dissolution of Parliament. Why are appeals to be delayed or suspended from the end of one Session of Parliament to the commencement of another, sometimes interrupted and cut off in the middle, to the enormous expense and injury of the parties? Suppose the course of justice in full flow, the parties, for instance, come from Scotland or Ireland with their agents, counsel, and documents, and the cause in the paper for hearing. Whilst they are waiting in suspense and anxiety for the hearing and the judgment, some party or political reason occurs to occasion the dissolution or prorogation of Parliament, and they are sent home disappointed, and for the time denied that justice to which they are clearly entitled. My Lords, it is impossible to justify such a state of things.

From the statute of Edward 3rd, which has been before referred to, it appears, that the tribunal thereby constituted was intended to sit and decide in the interval between the sitting of Parliaments, though the tribunal itself had power to refer difficult matters to the next Parliament.

The Court of Exchequer Chamber, which was established in the time of Elizabeth, to correct errors of the Court of King's Bench, was created because the High Court of Parliament was not so often holden as in former times it had been, and because, in respect of greater affairs of the realm, the erroneous judgments complained of could not be well considered and determined during the time of Parliament. Your Lordships will, therefore, see, that it has been an object of the Legislature to prevent delays of justice by the intermission of the sitting of Parliament. These statutes, providing what may be called intermediate Courts of Appeal, carefully preserve the ultimate authority of Parliament.

What I submit to your Lordships, however, is not to create an intermediate Court of Appeal, consisting of Judges who have other sufficient employment, but to add strength and vigour to the machinery of this House, and, when the occasion shall require, to extend the time of sitting for judicial purposes beyond the ordinary Sessions of Parliament; and this extension of time, I submit, should be allowed by authority of the King on the address of the House.

My Lords, I do not concur with my noble and learned Friend on the Woolsack upon the propriety of striking out the word dissolution from his proposed Bill. Justice is not to be stopped by political causes, whether they occasion dissolution or prorogation; and what I should propose would be, that if on, the occasion of any prorogation or dissolution, there should be any appeals or writs of error depending in the House and undisposed of, it should be lawful for His Majesty, by proclamation to be issued with the advice of the Privy Council, to summon the Lords, for the purpose only of hearing and adjudicating on such appeals and writs of error: that the Lords might then meet for that purpose, and act in their judicial capacity only; and that it should be lawful for the King to discontinue and put an end to their sittings whenever he should think fit.

My Lords, in considering this subject, I have given myself no trouble about questions of politics or party. I have thought of the patronage which may be created and of the expense which may be incurred, but I do not trouble your Lordships with that subject on the present occasion. I say that the course of justice ought not to be impeded by any party considerations; nor by any considerations of patronage or expense. I shall willingly abandon my own suggestions if better can be proposed; and if it be made out that any proposed plan is required for the due administration of justice, I say without hesitation, you must lay aside your party and your politics, regulate the patronage as you best can for the public service, and provide for the expense: because, above all things, you must not deny justice, which, if obtained, is above all price, and which it is the first duty of Government to secure to the public.

It has given me great satisfaction to hear my noble and learned Friend opposite, declare his willingness to support a proposition for the appointment, not only of an additional Judge in Chancery, but also of an Equity Judge in the Court of Exchequer. I entirely concur with him in thinking that an increase of judicial power to that extent is required. When the arrears are cleared off, you will have a great increase of causes; a resort to the Court by many persons who require its sanction and indemnity for their own safety, and yet are deterred from asking for indemnity, by the long and expensive process, without which it cannot be obtained. There are, for instance, trustees who have to act under complicated or ill-expressed instruments, and under circumstances so little foreseen or provided for by the authors of the trust, that the most experienced lawyers cannot confidently advise what conduct ought to be or can with safety be pursued. Cases of this nature very often occur. The interests of the persons who claim to be, and perhaps are, beneficially entitled require an immediate or very speedy determination. The delay of two or three years may bring ruin on them all, yet it may be, that the decision of a Court of Equity cannot be had sooner. The feelings of the trustees are acted upon; they take the risk on themselves, and many years afterwards, they, or their representatives, have (perhaps, to their own ruin) to pay for the error, which may have been unconsciously committed.

The propriety, nay, the necessity of having Courts strong enough to give speedy attention to cases of this sort, and many others of a like nature, is apparent, and I am fully persuaded, that the increase of judicial power of original jurisdiction, which is recommended by my noble and learned Friend, will not be too much. I cannot, however, agree with him in thinking, that the judicial business of the House of Lords would not be sufficient to occupy the full attention of a competent Court of Judicature, or that it is necessary to have a Judge of Appeal employed also as a Judge of Original Jurisdiction. As matters stand now, if you take an equity lawyer for your Chancellor, he has no experience in the common law of England or in the Scotch law, which is at all to be compared with the experience of the Judges of the Courts of Common Law, or of the Scotch Judges: if he be a common lawyer, what is or can be his experience in equity as compared with the experience of the fixed Equity Judges? If the argument of my noble and learned Friend in this respect were valid, the Chancellors would always be objects of contempt to the Judges and Counsel of the Courts at the bars of which they had not practised, or on the benches on which they did not sit. As to the sharpening of the intellect, keeping up knowledge, and the habit of applying it, I confess, my Lords, that if the quantity be sufficient, I see no reason to think, that Appeal business may not have effects at least as salutary and as likely to invigorate and improve the judicial character as any original business can be. And as to the quantity, look at past experience, without being influenced by the small amount of arrears now existing, and which may be, though hitherto it has not been, fully explained; consider also the additional business which might and, as I conceive, ought to be brought here, and it seems, to me at least, that there will be plenty to do. My noble and learned Friend on the Woolsack thinks, that the quantity may be so great as to choke up the House. I am not deterred by that remark, because if the event should turn out to be so, adequate provision may hereafter be made for it; but in the mean time, I cannot assume that the business will be so small as not to give sufficient employment to the House. The idea of the whole appellate business of the United Kingdom, to which the appellate business of the Colonies might also be added, not giving such employment to a Court as to afford the Judge fitting exercise for the preservation of his legal faculties, does not seem to rest on a very sure foundation.

To resume shortly, I propose to make the Lord Chancellor a more efficient Judge for hearing original causes in the Court of Chancery, by confining his judicial functions to that Court, and taking from him the custody and use of the Great Seal. I propose to make this House a much more effective Court of Appeal, by securing to it such assistance as the nature of the case requires; and I propose that the Lord Keeper of the Great Seal, being exempt from judicial functions, should be able to devote his whole mind and attention to the superintendence of the law and the administration of justice. I would not have proposed a change so extensive if it had appeared to me that any thing less would have answered the exigency of the case. To propose less than the case requires would be a mockery.

The Lord Chancellor, as newly constituted in the Court of Chancery, would, with the other Judges, be able to dispose of the existing arrears of original causes, and if the Court of Exchequer were made a more effective court of equity, would probably be able to dispose of the accruing business as it comes forward, and also of the business now transacted by the Court of Review in bankruptcy.

The House of Lords, provided with effective assistance and sufficient machinery, might, if you should think fit, have transferred to it the whole, or at least part of the appellate business of the Judicial Committee of the Privy Council. There would, I think, be great convenience in transferring the whole; but with regard to the Colonies which have Legislatures of their own, it might be better to wait till the approbation of those Legislatures can be obtained; though it would be strange if they should prefer the Judicial Committee of the Privy Council, constituted as it is, to the House of Lords, with such assistance as I submit to your Lordships it ought to have.

The Lord Keeper of the Great Seal, though divested of judicial power, would still be the King's principal adviser in matters of law, a Privy Councillor, a Cabinet Minister, and a Great Officer of State, responsible in all matters, ministerial and political, which are connected with the custody and use of the Great Seal. He would still be the head of the law, the connecting medium between the state and the profession; he, as Lord Keeper, would have the nomination of Magistrates, and, as I submit to your Lordships, should be responsible for the appointment of all Judges and judicial officers.

In order that new laws or alterations of old laws may be made consistent with one another, or with the general plan of the system already existing, it is plain that every proposal to change should undergo most careful consideration. To secure this, I submit to your Lordships that the country ought to have a responsible authority, possessed of appropriate knowledge, and so situated as to have no excuse for neglect of duty. An arrangement for this purpose, important at all times, is most especially so in times when there may be wanted a firm, temperate, and not hostile check to urgent demands for change, well meant, perhaps, but not always founded on sufficient knowledge and experience.

It would, my Lords, be the duty of the Lord Keeper to conduct and direct inquiries into the state of the law, for the purposes on account of which Commissions have lately been appointed. It would be his duty to prepare and bring forward all Bills introduced with the sanction and approbation of Government; and to examine and report upon all Bills brought into Parliament by individual Members of either House. To him might be brought back some of the duties which now properly belong to the office of Lord Chancellor, but which under the circumstances which I need not repeat, have slipped into the office of the Secretary for the Home Department. To him might be committed a superintendence over the general orders from time to time made by Courts of Justice for the regulation of practice and pleading—for the alteration of fees—and the regulation of salaries and emoluments in Courts of Justice—and it might be made his duty to make annual reports and give information in respect of all such matters to the King's Government and to Parliament.

I conceive it to be clear, that the great and important functions which I have but slightly mentioned, and the various duties annexed to them would, for their adequate and satisfactory performance, require a man of pre-eminent talents and learning, and would occupy his whole time—and to me, at least, it seems that the establishment of such a political and legal authority would be in the highest degree beneficial to the country.

My Lords, in stating what appears to me necessary to be done in relation to the office of Chancellor, I have abstained from saying any thing on many other important subjects connected with the Court of Chancery. They deserve the most careful attention, but are not necessary, or perhaps proper, to be considered now. I feel much indebted to your Lordships for the attention which you have been pleased to afford me, and the rather because I am aware, that the line of argument which I have thought it my duty to adopt cannot be popular here. If I could hope that my proposal would be received with favour, I would willingly bestow the labour necessary to produce it in a form adapted to the consideration of its details. Not being able to flatter myself with any such hope at present, I shall think it my duty to vote for the second reading of the Bills now before your Lordships.

I have no doubt, that they have been brought forward by my noble and learned Friend on the Woolsack as the best which, in his view of the subject, could be carried. They will not effect all which I think ought to be done, and they will for a time maintain some inconveniences which I think ought to be removed at once; but if carried, they will afford some considerable present relief to the suitors of the Court of Chancery, and they will not in any way impede those further changes which I think ought to be adopted. For these reasons I shall vote for the second reading.

Lord *Abinger* expressed his entire concurrence in the views of his noble and learned Friend (Lord Lyndhurst), and declared his intention to support the amendment. He was somewhat surprised, after the many objections which his noble and learned Friend (Lord Langdale) had made to the Bill, that he should conclude by stating his intention to vote for the second reading. Entertaining, as he did, the highest respect for the opinions of his noble and learned Friend, still, if he were to pronounce a judgment upon the essay which his noble and learned Friend had just delivered, he should say that there was something more of a love of theory in it than of an attention to practice. It appeared that his noble and learned Friend expected more from human institutions than they were capable of affording. When he complained that the progress of justice was interrupted by the prorogations of Parliament, and that great evils arose from it, he might, in the same way, have complained of the interruption of justice arising from the illness of a judge, or even by his death. Some theorists had gone so far as even to provide against these occurrences. One of the most eloquent and most profound of theorists had proposed that a judge should be constantly sitting to administer justice, hot and hot as was required. That ingenious gentleman maintained that speedy justice was so essential, that no system of judicature could be perfect unless there was one judge eternally sitting, so that when one was fatigued another should take his place. That certainly was the very perfection of theory. But human affairs would not admit of its application; he therefore must request his noble and learned Friend to mix up with his theory a little more of his experience in practice. He was not disposed to agree with the opinion of his noble and learned Friend that it would be desirable to separate the judicial from the political functions of the Lord Chancellor. On the contrary, he was rather inclined to concur in the opinions delivered by almost all the gentlemen of the profession, that it would be impossible for a person holding the office of Chancellor apart from the judicial functions, to preserve and give validity to that authority which was so essential to the decisions of their Lordships' House. He thought it would be a most fatal thing not only to the public and to their Lordships' House, but to the Crown itself, if the Lord Chancellor, presiding in the House of Lords, were not to be selected not only from persons of the highest rank and talent in the legal profession, but also if he were not to preside in the highest judicial situation in the country. It was essentially necessary that this should be the case, in order to preserve respect from the public, and the veneration and dignity of their Lordships' House. It was also necessary, in order to give the Chancellor full opportunity, by daily practice, of keeping alive in his mind all the decisions and principles of law which were essential to the efficient discharge of his functions in their Lordships' House and in his Majesty's Councils. What was the ground of apprehension that the judicial decisions of a Chancellor would be influenced by his having political duties to discharge? No case had ever occurred in which the decision of a Chancellor as judge had been suspected on account of his belonging to a political party in the State. He believed that ever since the institution of the Court of Chancery was known, no such partiality had been suspected. His noble and learned Friend was perhaps aware that even Lord Chancellor Jeffries, in all the decisions that he pronounced, was considered as high authority as a lawyer. No one of his decisions in equity had been questioned since, or suspected to have been at all founded upon his political partisanship. The best mode to guard against any cause of suspicion of that kind, was to select the best and most talented men in the profession. He believed that the most distinguished and the most learned men were those the least inclined to barter their honour for any boon that party might bestow. He was not afraid that any man in Westminster-hall, who was of eminent character in his profession, would be biased in his judicial decisions because he combined with his office certain political duties. What had the judicial functions of the Lord Chancellor in his own Court, or in their Lordships' House, to do, either directly or indirectly, with his political duties? Even his noble and learned Friend had said, that the appointment of justices of the peace was properly a judicial function; if so, why should not the Lord Chancellor be allowed to exercise that function, and all those other functions of purely a judicial nature, notwithstanding his being allied to a political party? Sure he was, that a Chancellor who was a gentleman and a man of honour would disdain to receive any suggestion on political grounds, as to the mode of exercising those parts of his judicial duties. Again; a great many of the deliberations in the Cabinet were not of a political or party nature, but had regard to the public interests in general. He begged to know whether the presence in the Cabinet of the man exercising the highest judicial functions in the State, did not give to those deliberations a great additional importance and respect? Besides, it was absolutely necessary that his Majesty's Ministers should possess amongst them a man of high rank and character, who was capable of being their legal friend and adviser in the Cabinet. It would not be considered constitutional, perhaps, for a Minister of the Crown to receive advice from those who were not connected with his party. The King had on numerous occasions the need of advice and authority in the law. Now, he must receive that advice from his Chancellor, and not from any body else. Therefore his Majesty's Ministers were bound to provide for the King a person in whom he might have confidence, and by whom he knew that his own safety and honour would be fairly and duly consulted. It appeared to him, therefore, that the moment they adopted a measure which would have a tendency to make the Chancellor a mere political officer, they would not only derogate much from the dignity of their Lordships' House as a tribunal for the administration of justice, but also from the interest and security of the Crown itself. If any inconvenience existed at all in the union of the political and judicial functions (but which he believed was more in imagination than in reality), still he thought that inconvenience was in no degree sufficient to counterbalance the advantage of having the office of Lord Chancellor as it was now constituted. The Chancellor of the Exchequer, the President of the Council, and the Privy Seal, were now merely political offices. And why? Because their judicial functions had been taken from them, and these offices became objects of desire to mere political parties. If the political were separated from the judicial functions of the Lord Chancellor, they would soon find that the Chancellor would be selected, not on account of his legal knowledge, but on account of his success as an eloquent political debater, either in this House or in the other. For these reasons he should give his cordial support to the amendment of his noble and learned Friend.

Viscount *Melbourne* said, that if the noble and learned Lord who had last addressed their Lordships, and particularly his noble and learned Friend (Lord Langdale), with such mastery of all the details, and of all those general and enlarged principles upon which a question like this should be considered, and who had stated to their Lordships many opinions which, although they were not at present called upon to adopt them, he was sure their Lordships must think they were worthy of deep and serious consideration—if those two noble and learned Lords thought it necessary to apologise for addressing the House, how much more did it become him to do so when speaking of a subject upon which he could have no practical knowledge whatsoever? But having been a party to the bringing forward this Bill, he thought it necessary to state in a few words his reasons for voting for its second reading, and for thinking that their Lordships would do well to send the Bill to a Committee. He had listened with great attention to the speech of the noble and learned Lord (Lyndhurst), in which he stated his objections to the measure proposed. He shared in the satisfaction felt by that noble and learned Lord, that their Lordships were entirely agreed upon the basis and foundation of this measure—that they were entirely agreed that a great evil was to be corrected, and a great grievance remedied. There was a great accumulation of business in the Court of Chancery, and he agreed with the noble and learned Lord when he stated that it was a shame and a disgrace, that in a great country like this, there should not be a court to hear a case when a case was ready for hearing. But the noble and learned Lord objected to the remedy now proposed to correct that evil. In the first place, he said that if they separated the political from the judicial functions of the Chancellor, and took from him the discharge of the duties of the latter, the House of Commons would not endow him with sufficient emolument to induce gentlemen at the bar to give up their profession and accept the office. Now he did not believe there was any authority for such an opinion. On the contrary, he believed that the House of Commons were too anxious for the adoption of some measure of this kind upon enlarged and enlightened principles to hesitate for one moment on making a suitable grant for this purpose. The noble and learned Lord then stated another objection pretty much of the same kind. He said that the situation would be of so precarious a nature, and the remuneration so inadequate, that men of eminence in the profession would not accept the office. Surely the noble and learned Lord remembered the circumstances under which Sir Edward Sugden accepted the Chancellorship of Ireland. If the circumstances under which the late Chancellor of Ireland accepted the Great Seal of Ireland were not sufficient to deter him from that step, he was sure there was no lowering in the political horizon that woud deter any future lawyer from doing the same thing on a similar occasion. He would not be responsible to their Lordships for much, but he would be responsible for this, that if it pleased them to constitute this office,there would be no difficulty in finding men of sufficient eminence at the bar perfectly ready to take it. He thought it would not be difficult for any government whom it might suit, to obtain the services of the noble and learned Lord himself, if their Lordships thought proper to constitute the office. The noble and learned Lord then stated that there was not business enough in their Lordships' House to keep a lawyer in wind; that he would entirely lose all practice in his profession, and become inferior to those judges from whom appeals were made to him. That might be so; but the objection was entirely fanciful and supposititious. It was entirely metaphysical, and altogether arguing upon the minds of men. He, for his part, did not believe, a single word of it. He did not believe, if a general lawyer, eminent in his profession, sat to hear appeals, not only in equity, not only from Scotland, but from every part of the empire—he did not believe, if such a man, being a master of the general principles of jurisprudence, and being well grounded in his principles, was placed in that situation that by desuetude he would in any respect be wanting in the authority requisite to the due discharge of the duties of his office. The noble and learned Lord had quoted a great many speeches which were delivered in the debate in 1813, on the establishment of the Vice-Chancellor's Court. But what was the fact? Now he would ask the noble and learned Lord whether all the predictions that had been made to-night with respect to the manner in which the character of the Chancellor would be affected by this measure, were not predicted upon the Vice Chancellor's Bill?—[Lord *Lyndhurst:* That is not what I stated] No, it was what he stated.

Lord *Lyndhurst*: The noble Viscount has asked me a question, and I beg to be allowed to answer it. What I said was, that Lord Redesdale and Sir Samuel Romilly were at issue upon the fact. Sir Samuel Romilly said, if they passed the Bill, they would make the Chancellor merely an appellate judge in the House of Lords. Both agreed that such a result would be pernicious, but they disputed as to the fact. Now the present Bill actually adopted that which was admitted by Lord Redesdale and Sir Samuel Romilly would be pernicious.

Viscount *Melbourne:* Did they not state, that that would be the consequence of that Bill? Yes, they did. The only prediction made on that occasion which had since been fulfilled was, that the Chancellor would not hear any more original causes. But then the noble and learned Lord who spoke last had said, that the Chancellor would no longer be chosen on account of his legal eminence, but on account of his being an eloquent and successful debater; as if being successful in debate had never yet been one of the qualifications on account of which a man was selected for that high station. My Lord Eldon was made Solicitor-General because he was successful in debate, and he, of course, rose up and became Lord Chancellor. But he need not mention particular instances; he would only say, that it was the possession of the qualification of being a good debater which placed men upon the Woolsack more than any other circumstance. Instances of the truth of that position were very numerous and very recent. Most undoubtedly, therefore, it would not be a new thing, or a new evil. Then the noble and learned Lord said, that this proposition had been scouted by every body. He said, that it was opposed by Lord Hardwicke, but he produced no authority for that statement. The Court of Chancery in Lord Hardwicke's time, was perfectly competent for the discharge of the business before it. The noble and learned Lord also said, that it was opposed by Mr. Pitt, and he quoted the authority of Lord Redesdale in support of that statement. But Lord Redesdale had no right to quote the authority of Mr. Pitt against this Bill. It was mere conjecture on the part of Lord Redesdale. In conclusion, he would again remind their Lordships that, as they were all agreed that a great practical evil required to be remedied, he conceived that if their Lordships were really disposed to remove that evil, they could not do so more effectually than by the adoption of the present Bill. At all events he hoped that their Lordships would agree to the second reading, and allow it to go into Committee.

The Duke of *Wellington* said, that certainly from his habits he could have but little knowledge of the business of the Court of Chancery; but he had served his Majesty for a considerable time, particularly in his councils, and he must say, and he defied any noble Lord to say otherwise, that it was most important for his Majesty's service that one of the first—nay, the very first and most eminent lawyer in the kingdom—one the most connected with the proceedings in the courts of law and in the proceedings of their Lordships' House, should be the Lord Chancellor, and should perform the political functions of that office. The noble Viscount had disputed some of the arguments of his noble and learned Friend—that was to say, he had contradicted them; and first of all, whether or not this Chief Justice, as he was called, in the Court of Chancery would be paid by the House of Commons; and next, whether any person would be found to accept the office. Certainly the noble Viscount had discovered that there was one person at least qualified, who would accept the office. But he fancied that the noble Viscount would find himself mistaken upon that subject, as he was upon many others. But there was another position which the noble Viscount thought proper to dispute, and that was, that so many persons after having at different times considered this scheme, had thought proper to object to it, and had laid it aside altogether. His noble and learned Friend never stated, that it was considered in 1813. What he stated was, that the arguments used against the appointment of the Vice-Chancellor, applied to the separation of the office of Lord Chancellor from the Chief Justice in Chancery; that the arguments then used, and those now used, rested upon the same principle, and that Sir Samuel Romilly, Lord Redesdale, and Mr. Pitt had used those arguments all in the same sense. He believed if the office of Lord Chancellor was separated from the office of Chief Justice in the Court of Chancery, it would soon become a mere political office, to the great detriment of the dignity of the first officer in their Lordships' House, and, above all, to the detriment of his Majesty's service. The noble Viscount had dwelt much upon the opinion that prevailed that there was an evil to be remedied, but he had not at all adverted to the remedy proposed by his noble and learned Friend (Lord Lyndhurst)—namely, that an additional judge should be appointed in the Court of Chancery. His noble and learned Friend had also proposed that the equity side of the Court of Exchequer should be made efficient. Were not these two measures as well calculated to remedy the actual grievance complained of, as the measure proposed by the noble and learned Lord on the Woolsack? He begged to know whether it was not the fact that, at this moment, there were fewer appeals remaining undecided before the Lord Chancellor in the Court of Chancery, and in their Lordships' House, than there had been for years? Besides that it had been proved, that by common attention to the business of their Lordships' House, seventy days in a year were fully sufficient to transact all the judicial business of the House. Let the evils then complained of be remedied by the appointment of another Chancellor but not by degrading an officer whose high dignity was equally necessary to the service of the State, and to their Lordships' honour.

The *Lord Chancellor* replied. The object of the Bill was not, as his noble and learned Friend (Lord Lyndhurst) had contended, to separate the judicial from the political functions of the Lord Chancellor, but merely to take away from that officer those judicial duties which experience proved he had not time to perform. When his noble and learned Friend stated, that the making the Lord Chancellor a Judge only of Appeals would be to degrade the office, and to render it difficult to obtain men of sufficient eminence to fill it, he (the Lord Chancellor) would only remark, in reply, that since the year 1813 the Lord Chancellor, had, in fact, been nothing more nor less than a Judge of Appeals, and a Judge of Appeals only; and yet he thought no man would contend that, within that period, the office of Chancellor had not been filled by men of sufficient eminence. The noble and learned Lord seemed to suppose that the Lord Chancellor would have nothing to do, and would postpone all the judicial business of the House during the Session, that he might amuse himself by hearing appeals in the recess. The conclusion appeared the more extraordinary, because it was well known to him that a Lord Chancellor had sat three days of the week in that House, and three days in the Court of Chancery, without finding any indulgence for that idleness of which the noble Lord spoke; and that the Committee appointed to inquire into the appeal business of the House, believed it necessary to have persons appointed to assist the Lord Chancellor in disposing of it. From that time, indeed, the Lord Chancellor had the assistance of Deputy

Speakers, by whom much of the business of the House had been done; and had it not been for the exertions of his noble and learned Friend (whose absence he lamented in common with their Lordships), they would not have been told, that there were no arrears of appeal, as at present. But he maintained that the Lord Chancellor should have full time to attend to his duty in this House, without calling in others to his aid; but if their Lordships were to take that assistance from him, they would find, that arrears would accumulate to as great an extent as they had ever done before. But he did not confine the attendance of the Lord Chancellor to that House; he would also preside in the Privy Council, to which appeals of the most important nature were continually brought for decision. The noble and learned Lord (Lord Lyndhurst) ridiculed the idea of the Lord Chancellor taking his seat in the Privy Council, as if the duties of that Court were beneath the dignity of his office; but their Lordships knew that the business of a Court whose proceedings could not be reviewed by any other—which had to determine on matters connected with the colonies, and with the Ecclesiastical Courts—that the business of a Court whose decision was final, and admitted of no further appeal—was not unworthy the attention of the Lord Chancellor? He must say, that he knew of no judicial business, next to that of their Lordships' House, which could be considered of so much importance as the business of the Privy Council? And what substitute did the noble and learned Lord propose? He borrowed a Judge from the Court of Chancery; he did not take the Lord Chancellor: no; that would not suit him—his object being to show that he would have nothing to do; and, therefore, he took the Master of the Rolls. He agreed with the noble and learned Lord, that a Court of justice should not be a fluctuating tribunal; that one Judge should sit at one time, and another at another; the only point in which they differed was that which related to the person to be selected for the Presidency of the Privy Council; and their Lordships could have no hesitation, he thought, in determining that the President should be the highest judicial officer in the kingdom. The question resolved itself into what the Lord Chancellor would have to do in that House? He apprehended the immediate consequence of the measure would be, that the Court of Chancery would no longer form an intermediate Court of Appeal, and that the Lord Chancellor would have quite enough to do in disposing of the appellate business of this House and of the Privy Council. If their Lordships thought that it was possible for him now to discharge perfectly all the functions which appertained to his office, such an opinion would be contradicted by the experience of all those who had ever filled it. As to the business to be done out of the House, his noble and learned Friend (Lord Lyndhurst) proposed the appointment of another Judge in the Court of Chancery; therefore he admitted that the duty of that Court was not, at present, adequately performed. The noble Lord proposed the appointment of a new Vice-Chancellor. Was not that a little inconsistent with the authorities he quoted against the appointment of a similar officer in 1813? But the fact that the business was inadequately transacted, being admitted—the question came, what was the right course to be pursued. The business transacted in the Court of Chancery was of the most important nature; and with regard to property—of greater importance than that transacted in any other Court in the kingdom. Every man in the kingdom is interested in having a due administration of the Chancery business; and would not their Lordships believe that such a Court was as much entitled to the benefit of a permanent Judge as any other? Every inferior Court in the kingdom had the advantage of a Judge exclusively its own; but in the High Court of Chancery, alone, it was thought expedient that the Judge should constantly have his time occupied in the discharge of other duties, so that he should never have it in his power to set apart one uninterrupted day for those duties which specially belong to that Court! Was that a proper constitution for the Court? The noble and learned Lord (Lord Lyndhurst) admitted the grievance, and how would he remedy it? He would leave the Lord Chancellor to hear the appeals he already had to determine from the Rolls and from the Vice-Chancellor's Courts, and he would add those which would arise out of the decisions of the new Judge the noble Lord proposed to create. That was his proposition to help the Lord Chancellor out of his difficulty, which, if embraced, would considerably aggravate the inconvenience the Lord Chancellor now felt. The noble and learned Lord might say, he did more—he appointed an additional Judge in the Court of Exchequer; but if that Court were not efficient already, it was not because it had wanted eminent persons to preside in it. The reason it had never risen to any eminence as a Court of Equity, was the difficulty attendant on the manner in which the proceedings were conducted in it, which was so great, that parties would rather wait, however long, to have their causes decided in the Court of Chancery. That was an evil which the appointment of an additional Judge would not remedy. There was no business in the Court which required such an appointment. There was not, at present, business sufficient to occupy the Judges of the Court, and yet the remedy proposed by the noble Lord, was to appoint another. Of the two plans proposed to the House, instead of that contained in this Bill, he preferred the expedient suggested by the noble and learned Lord (Lord Langdale); and ultimately that might turn out to be the best course to pursue. But as the noble and learned Lord was not prepared with his plan, and as this measure, if passed, would not prevent its future adoption, their Lordships had better take this which he proposed, as an intermediate step. Their Lordships had now to decide whether this Bill should be read a second time? He wondered that the noble and learned Lord (Lord Lyndhurst) had made up his mind to vote against it, because the noble and learned Lord admitted the principle of the measure, and if he would not find any difficulty in altering the details of a Bill in Committee, the noble and learned Lord could there introduce such clauses as he thought proper. He saw no reason why the noble and learned Lord should oppose the second reading. It was a question which should be considered apart from politics, and as it was admitted that justice could not be adequately administered in the Court of Chancery, their Lordships would consent to the second reading of the Bill, and endeavour to secure a satisfactory administration of justice, both in that House and in the Privy Council.

Lord *Lyndhurst*, in explanation, stated, that if he were to adopt the noble and learned Lord's suggestion, and to make such alterations as he thought expedient in Committee, the Bill would then go down to the other House of Parliament, not as the Government Bill, but as a Bill of his (Lord Lyndhurst's) own construction; and in that case it would be easy to anticipate the result. He preferred, therefore, to give his decided opposition to the measure on the second reading.

On the Question, that the Bill be read a second time, their Lordships divided Contents 29; Not-Contents 94—Majorit 65.

Bill postponed for six months

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BISHOPS.
Bishop of Chichester
Bishop of Bristol

HOUSE OF COMMONS,

Monday, June 13, 1836.

MINUTES.] Bills. Read a second time:—Highway Rates Bill.

Petitions presented. By Mr. THOMAS DUNCOMBE, from Patentees, Inventors, and Projectors, in London and Westminster, Complaining of the Operation of the Patents for Inventions' Act.—By Dr. BOWRING, from Renfrew; by Captain WEMYSS, from three Places in Fife; and by Mr. WYSE, from a Place in Ireland, against the Lords' Amendments to the Corporation Bill for Ireland.

[The House met this Day at twelve o'clock, and on several succeeding Days it met at the same hour, in order to get through the public business].

SIR FREDERICK TRENCH AND MR. RIGBY WASON.] The Serjeant at Arms (Colonel Gossett) reported that Sir Frederick Trench and Rigby Wason, Esq. were in custody: on the motion of Lord John Russell, both hon. Members were ordered to attend forthwith in their places. The hon. Members were brought in and took their places. The Report from the Committee on the Durham Railway was read.

Lord *John Russell* moved, that the Speaker do call on both the hon. Members to rise in their places, and give an assurance to the House that the affair between them should not be carried further.

Motion agreed to.

The Speaker called on the hon. Members to comply with the wishes of the House. [*A pause.*]

The *Speaker*: If the hon. Gentlemen,

in the present case, persist in refusing the pledge which I, in the name of the House, have required of them, it is clear that the only course left for adoption is, at once, to commit both to the custody of the Serjeant-at Arms.

Sir *Frederick Trench* was desirous of laying before the House a simple statement of the facts; and after some opposition each hon. Member entered into an explanation of the personal difference which had occurred between them in the South Durham Railway Committee. A lengthened discussion ensued, which at length ended by the two hon. Members accommodating their difference by a little mutual retractation, and the matter ended.

MUNICIPAL CORPORATIONS (IRELAND).] The Order of the Day for the further consideration of the Lords' Amendments to the Irish Municipal Corporations' Bill was read.

Sir *Robert Peel* wished to know whether the amendments the hon. and learned Member meant to move, were amendments upon the Lords' amendments, and whether they were printed, because they could do no more than deal with the Lords' amendments.

Mr. *O'Loghlen* was understood to say the amendments were not printed, and that it was intended to move the re-introduction of certain clauses which had been rejected by the Lords. He was ready, however, to afford every explanation.

Several verbal and other amendments were proposed and put from the Chair.

Colonel *Sibthorp* wished to know what was doing, as he really could not understand it.. He was bound to suspect every measure or amendment proposed by the other side.

On the next amendment being proposed, Sir *Robert Peel* said, this was utterly unintelligible. After the debate which had taken place, and the decisive majority that had followed, he did not intend any opposition of a vexatious character. But in a Bill of such importance, they ought to see what they were doing. He hoped the amendments they were making would be printed, so that they might see what they were about.

Lord John Russell said, they were now merely restoring some of the original clauses.

Mr. Sergeant *Jackson*: If they did not see what the alterations were, they might as well leave the House.

Lord *John Russell* said, the great principle was the restoration of the original clauses. With respect to the new clauses, they would be printed in the course of two or three hours.

Sir *Robert Peel* thought, as they were legislating on a matter of such importance, that it would be most desirable that all the alterations should be printed.

Colonel *Sibthorp* objected to the measure being thrust upon the House in what he called so unfair a a manner. One single word introduced into a clause might overturn the constitution of the country; therefore he objected to the measure being proceeded with in such a way.

The other clauses up to 85 of the original Bill, with some omissions and amendments, were restored. At three o'clock the House adjourned, and was resumed again at five o'clock.

PAPER DUTIES DRAWBACK.] Lord *Francis Egerton* begged to ask the right hon. Gentleman the Chancellor of the Exchequer at what period it was proposed that the new duties on paper should come into operation, both as regarded the first and second class paper, and the stained paper, and also whether he contemplated allowing a drawback on the stocks in hand?

The *Chancellor of the Exchequer* had to inform his noble Friend, in reply to the question he had put to him, and he hoped it might reach the parties interested, that the proposition he had submitted for the alteration of the duty on the first class paper, would take effect from the October quarter. This was his original intention and statement in submitting the proposition, but, inasmuch as it had been somewhat misconceived, and not, perhaps, as generally known as might have been wished, he was very well pleased to have an opportunity of re-stating it. With respect to the stained paper, he had been very much pressed by a great majority of the parties interested in that branch of the trade to fix an earlier period for the proposition taking effect, by substituting the July for the October quarter. He believed this would be very convenient for the trade itself, as otherwise, stained paper being rather a matter of luxury than of necessity, there might be an interruption to the manufacture. With respect to allowing a drawback on the stock in hand, he thought it was more just and expedient to adhere to the principle on which Parliament had of late years acted in making alterations of duty, and not to allow a drawback on the stock in hand. All the motives which induced Parliament on other occasions to refuse allowing a drawback existed in the present case, with some additional considerations into which he need not then enter. For the purpose, however, of affording accommodation and facilities to the trade, he had provided not only that the privilege of manufacturing and storing in bond should be continued, but that in case any very great quantity of a particular paper affected by these regulations should remain on hand in the stationer's stocks, on the 10th of October, allowance should be made for it; not an allowance in the shape of drawback generally, but an allowance on the duty on paper permitted into stationers' shops, under particular circumstances. It was impossible wholly to remedy the inconvenience to which his noble Friend had adverted. He had endeavoured to remedy it partially, to the utmost of his power, and he hoped he had succeeded.

Sir *George Clerk* said, that many papermakers in Scotland had very large stocks on hand. There was one individual within his own knowledge, who had no less than 15,000 reams; and if this paper which had paid the whole duty, remained on hand until October, and then had to be sold at a reduced price, without any allowance of drawback, he need not say, that the loss would be very great. He hoped his right hon. Friend would allow some drawback on paper that had paid the whole duty.

The *Chancellor of the Exchequer* replied, that this would be in fact allowing a drawback on the stock in hand. This he could not consent to, because it could not be done without exposing the revenue to very considerable loss.

Subject dropped.

The Factory System.] Lord *Ashley* called the attention of his Majesty's Government to a fact which he stated on the authority of a Yorkshire paper. It appeared in that paper according to the confession of the masters themselves, that five boys, of between twelve and fifteen years of age, had been made to work for thirty-four hours successively, in a shocking hole, devoted to the tearing up of woollen goods; the atmosphere of it was so noxious and offensive, that the men who worked in it were obliged to wear handkerchiefs tied over their mouths to prevent their inhaling the foul air. The fact was proved before the magistrates, and the masters, Messrs. Ibbetson, Battley, and Co., were convicted in the full penalty. They alleged, in extenuation of their conduct, that the steam boiler had burst; but this was, in fact, no excuse at all. What he wished to ask his noble Friend opposite was this—that he would have the goodness to direct the inspector of the district to visit the spot, to make inquiries and report to him, and that he would lay the Report upon the Table.

Lord *John Russell* would take care that the inspector of the district should make every inquiry, and that his report should be communicated to the House.

Subject dropped.

Registration of Births.] The House, on the Motion of Lord John *Russell*, resolved itself into a Committee on the Registration of Births Bill.

Clause 42nd was put and agreed to.

Dr. *Bowring* then proposed the Clause of which he had given notice, for the purpose of allowing the registers of the Dissenters, which were at present kept at considerable expense, to be received by the Registrar-General.

The *Attorney-General* objected to the Clause, on the ground, that the registers of the Dissenters might be in many respects, inaccurate and calculated to mislead.

Lord *John Russell* said, that he had no objection to appointing a Commission to inquire into the validity and nature of the various registers kept by the Dissenters.

Dr. *Bowring* observed that, with the understanding that a Commission should be appointed to inquire into the subject, he would withdraw the clause.

The Schedules were agreed to, the Bill to be reported, and the House resumed.

Marriages.] The House afterwards went into Committee on the Marriages Bill.

Upon Clause 15th being proposed,

Dr. *Bowring* moved an amendment, that instead of twenty householders attending a dissenting chapel being required to sign a certificate, to have it licensed for the purpose of marriages being celebrated in it, the certificate of ten householders should be sufficient

Dr. *Lushington* opposed the amendment.

The Committee divided on the Amendment; Ayes 22; Noes 128—Majority 106.

List of the Ayes.

Aglionby, H. A.	Harland, W. C.
Bowes, J.	Howard, P. H.
Grote, G.	Hindley, C
Hutt, W,	Hector, J. C,

Lynch, A. H.
Moreton, hon. A. H.
O'Connell, M. J.
Pease, J.
Parrott, J.
Potter, R.
Roche, D.
Rundle, J.
Smith, Ben.
Scourfield, W. H.
Thornely, T.
Thompson, Col.
Wakely, T.
Williams, W.

TELLER.

Bowring, Dr.

Clause 18th, enacting that marriages may be celebrated before the Superintendent Registrar, was proposed.

Mr. *Poulter* objected to this Clause. It was a Clause that separated the contract of marriage from what it always had previously in this country, the sanction of a religious ceremony. The members of the Church of England, he was sure, would not accept of such a Clause, and he believed that the Dissenters were not prepared to accept it, as they had last year refused to accept the Bill of the right hon. Baronet, which permitted these marriages to take place as civil contracts. Many of the Dissenters, he knew, were desirous of retaining the religious sanction for their marriages, and their feelings were alone exerted against it by the undue and obnoxious restrictions imposed by the old Marriage Act. In this case, as in others, the extreme restrictions had driven to violent principles and extreme theories, which otherwise they would never entertain. He hoped the noble Lord would permit this Clause to be expunged from the Act.

Mr. *Baines* considered, that there would be great weight in the objection made by the hon. Member, if it were imperative upon the Dissenters that their marriages should take place as a civil contract. Under this Act, it was optional with them to have the marriage celebrated as a civil contract, or under a religious sanction. It being optional, all objection was removed. The Bill of the right hon. Baronet was objected to, because there was too much of the civil contract enforced with respect to the marriages of the Dissenters.

Sir *Robert Inglis* decidedly objected to the Clause. With the single exception of the time of the great Rebellion, there was no one instance in the history of the country, of marriage having been considered otherwise than as a religious ceremony. This was a solitary attempt to give a civil character to a religious contract.

Dr. *Lushington*: The great principle of the Bill, and the principle which he advocated, was this, that marriage was a natural right, to which all the subjects of this land had a full and complete title, and that the legislature had no pretence, justice, or authority for confining or limiting it, except so far as was essentially necessary to insure that publicity which would prevent furtive connexions and illicit marriages. If this clause were omitted, the whole remedy of the Bill would be left out. Up to the year 1756, marriage was a mere legal contract. Two people declaring themselves man and wife before witnesses were as indubitably married as persons making the same declaration in Scotland, with the exception of not being entitled to claim some obsolete remedies as to real property. Under this law the people of Scotland existed to the present day. Were they regardless of their duty to their Creator? It would be difficult to find on the whole surface of the globe a more religious people than the Scotch. He made his stand upon the great and broad principle which he had ever maintained in that House. He denied the right, though he could not deny the power, of the legislature to infringe upon the conscience of any individual whatever, with respect to those natural rights, of which marriage was of all others the foremost and most necessary.

Mr. *Hardy* conceived that by the Bill marriage was converted into a mere civil contract. All that was required was, that some ceremony of marriage should take place in a registered building, which had been certified by twenty householders to be a place for religious worship.

Lord *John Russell* said, that the great object of the Bill was to allow every person to be married according to whatever form his conscience dictated. Here were first members of the Church of England, next the Dissenters, who considered marriage a religious ceremony, and preferred being married in their own chapels; the first were left in their present situation; the second were permitted to carry their wishes into effect. There were other classes of Dissenters who considered marriage not a religious but a civil ceremony. Taking the broad principle of religious liberty, he felt that they were bound to provide for all these classes; he did not think that the House had a right to tell one class of men that their scruples were just and reasonable, and to refuse to judge of those of others. If the Bill were carried with that clause, he would admit that he entertained no doubt but that ninety-nine marriages out of one hundred would still be considered as religious ceremonies. Although the number of marriages celebrated upon any other principle might be few, however, still the principle was a great one, and they were bound to maintain it.

Sir *R. Peel* said, it appeared to him that all the Bill did was to enable the marriage ceremony to be performed in a registered building; but that it did not require any religious ceremony. He required a civil contract, as an essential condition of marriage, trusting that there would always be some religious ceremony, being unable to define what it should be; but wishing that it should be in accordance with the conscientious belief of those who engaged in it. He wished to have one point distinctly understood. Supposing both parties were members of the Church of England, was it intended in their case to dispense with the rite of marriage according to the Established Church? He hoped, and fully believed, that it was not intended. He did not consider that he had any right to interfere with the solemnization of marriage by the Dissenters; but he was very anxious that the effect of the Bill, with reference to members of the Church of England, should be fully understood.

Mr. *Law* objected to the Bill as a proposed gratuitous desecration of the marriage rite. He did not think that it would be at all uncharitable to impose the restraint of a religious ceremony upon Dissenters.

Sir *R. Peel* thought he imposed no invidious task upon the Dissenters when he required that such of them as objected to marriage being considered a religious ceremony, should state their objection upon the register. This was really one of the most important parts of the Bill, and he trusted the House would arrive at no hasty decision upon it.

Mr. *Pryme* saw no hardship whatever in requiring some religious ceremony in addition to a mere legal contract, or at most some declaration of a conscientious objection on behalf of the party.

Mr. *Miles* contended, as the clause stood, that it would tend to encourage clandestine marriages.

The *Attorney-General* thought, that it was absolutely necessary that there should be some ceremony which would make it known to the world that a marriage compact had been entered into between parties. He did not think that the adoption of the alterations that had been suggested from the other side of the House would be at all advisable.

Mr. *Arthur Trevor* contended that making marriage a civil contract would be highly injurious; and passing the clause as it stood would greatly increase the number of clandestine marriages.

Mr. *Cutlar Fergusson* hoped that the House would not adopt the suggestion of the hon. Member for Shaftesbury, which, if adopted, would destroy the principle as well as the utility of the Bill.

The Committee divided on the amendment: Ayes 58; Noes 123—Majority 65.

Clauses to the 28th were agreed to. The House resumed.

HOUSE OF LORDS,

Tuesday, June 14, 1836.

Minutes.] Bills. Read a third time:—See of Durham.

Petitions presented. By the Earl of Bandon, from Stirling, against any further grant to Maynooth College; and from Denham and Gressenhall, for Repeal of Roman Catholic Relief Act.—By the Earl of Rosslyn, from the Eastern Division of Fife, for Protection to the Herring Fisheries.—By the Bishop of Gloucester, from Gloucester, for Revision of the Criminal Code.

Post-Office Packets.—Holyhead.] The Earl of *Lichfield* wished to answer some questions which were put by the noble Marquess (Westmeath) yesterday, respecting the Post-Office packets at Holyhead. The noble Marquess said, that no precautions were taken to prevent danger from fire on board the packets. It was true that, for some time, in consequence of nothing of the kind having happened, the precautions against fire had in some degree been neglected; but no sooner had the subject been brought under his notice, than he gave directions that every necessary means should be provided to guard against any accident of fire happening on board the packets. With regard to the other matter of complaint alluded to by the noble Marquess—namely, that relating to malversation and peculation carried on in the Post-Office establishment at Holyhead, he believed their Lordships would think that this was not the most suitable occasion for going into that question.

The Earl of *Wicklow* wished to inquire of the noble Earl when it was that the Reports of the Commissioners would come under the consideration of their Lordships?

The Duke of *Richmond* wished to give the most complete contradiction to a statement contained in the 6th Report of the Post-Office Commissioners, that the representations of the captains of the vessels on the Holyhead station did not meet with proper attention from the Postmaster-General. During the three years he held that office, he gave every attention to the representations made by those persons; and he had no doubt that his noble Friend up to the present time had done the same.

The Earl of *Wicklow* said, that it was matter of very important consideration to the noble Earl, that although no Post-Office packet had ever been actually destroyed by fire, yet it was reported that every packet on the Holyhead station had been on fire; and one of them no less than three times. This was a state of things which ought not to be tolerated: and he hoped the noble Earl would follow up the recommendation of the Commissioners, by establishing a different packet system altogether.

The Earl of *Lichfield* observed, that it was rather a curious circumstance that the only vessel that ever was burnt to the water's edge was the Venus, and she was the only vessel that ever had a fire-engine on board.

Subject dropped.

Oaths taken by Catholic Peers.] Lord *Stourton* then rose, and stated that he had received by post, addressed to him personally, a document purporting to be a copy of a petition to their Lordships from the corporation of tailors in the parish of St. John the Baptist, Dublin, which contained passages reflecting on his honour as a Peer of Parliament; it was set forth in the petition, that, although it was enacted by the Emancipation Bill, that the Roman Catholics, in taking their seats in Parliament, should swear that they would not vote upon any question in which the Protestant religion, or the interest of the Protestant Establishment was involved, yet that he, unmindful of his oath, had voted on the Church Temporalities Bill, by giving his proxy to the noble Viscount at the head of his Majesty's Government. He must complain of the great indignity which their Lordships' House itself would sustain, if a charge of this grave and serious nature were suffered to be made against any Member of their Lordships' House—imputing, as it did, nothing less than the crime of perjury—without some notice being taken of it, and some means afforded, by which the noble Lord, whose character was implicated, might vindicate his honour and convict his accuser of a gross and unfounded calumny. He would remind their Lordships of what was said by Sir Robert Peel, when he introduced the Roman Catholic Emancipation Bill in 1829; and he trusted that their Lordships would agree that he was justified in the course he had pursued, by the very language the right hon. Gentleman who was the author of the measure by which he (Lord Stourton) obtained access to their Lordships' House. The right hon. Gentleman said, "I would admit them, therefore, on the same footing, the same principle of equality, on which we now admit the Dissenter from the Church of England. Another proposal has been made by a right hon. Friend of mine (Mr. Wilmot Horton)—made from the best motives, and supported with an ingenuity, ability, and research, worthy of the motives and of the character of its author. My right hon. Friend has proposed, with a view to calm the suspicions and fears of those who object to the admission of Roman Catholics to Parliament, that the Roman Catholic Member should be disqualified by law from voting on matters relating, directly or indirectly, to the interests of the Established Church. There appear to me numerous and cogent objections to this proposal. In the first place, it is dangerous to establish the precedent of limiting by law the discretion by which the duties and functions of a Member of Parliament are to be exercised; in the second, it is difficult to define beforehand, what are the questions which affect the interests of the Church. A question which has no immediate apparent connexion with the Church might have a practical bearing upon its welfare ten times more important than another question which might appear directly to concern it; thirdly, by excluding the Roman Catholic from giving his individual vote, you do little to diminish his real influence, if you leave him the power of speaking, of biassing the judgments of others on the question on which he is not himself to vote; and if by a jealous and distrusting, but ineffectual precaution, you tempt him to exercise to your prejudice the remaining power of which you cannot, or do not, propose to deprive him. I believe there is more of real security in confidence than in avowed mistrust and suspicion, unaccompanied by effectual guards. For these reasons I am unwilling to deprive the Roman Catholic Member of either House of Parliament of any privilege of free discussion, and free exercise of judgment, which belongs to other Members of the Legislature."

Subject dropped.

MUNICIPAL CORPORATIONS ACT—(ENGLAND.)] The Marquess of *Camden* presented a Petition from 300 members of the University of Cambridge, praying that the Vice-Chancellor of the University for the time being may be a magistrate for the town of Cambridge. He would give notice that when the Bill for amending the English Municipal Corporations Act went into Committee he should move to insert a clause with a view to carry into effect the prayer of the petitioners.

The *Lord Chancellor* said, that a question had arisen between the inhabitants of the town of Cambridge and the University of Cambridge as to who should be put into the commission of the peace for that town. It appeared that hitherto the Vice-Chancellor had held a commission of the peace for the borough, and was also a magistrate for the county; and it further appeared, from the representations on the part of the town that the Vice-Chancellor, from some authority which was not very easily traced, but supposed to be by virtue of the authority vested in him by charter with his power of magistrate, was enabled to grant licences to all the public-houses in the town of Cambridge, a power not very agreeable to the inhabitants, and which the town therefore very strenuously resisted. When he came to consider who ought to be put into the commission, the nicety of deciding that question, as between the Vice-Chancellor and the town of Cambridge, was entirely removed by what passed last year on the Municipal Corporations Act, and by the language of that Act itself, which made it the duty of the Government to provide the magistracy. Now if the insertion of the Vice Chancellor into the Commission was to be made on the ground of his being an elective officer, that would in effect be to take away from the Crown the power of nominating the magistrates. He thought that the proper construction of the Act would preclude any individual from being a magistrate by virtue merely of his being elected to office. The present petition assumed that construction of the Act to be correct, and proposed to make an alteration in it as far as respected the Vice Chancellor of the University. If that should be the pleasure of their Lordships it would then become their duty to inquire what arrangement could be made between the University and the town for the purpose of coming to some understanding upon the subject. He begged to state to their Lordships the course he had taken with regard to the University. Believing that it was right and proper, with a view to the protection of the young men at the University, that some persons connected with it should be in the commision of the peace, he had introduced into the Commission six heads of houses, four professors, and four other persons residing in the town, who were members of the University; therefore a majority of the magistrates were members of the University. He had hoped that the University would have considered that he had given its members as much magisterial power as it was desirable they should possess. By not opposing the introduction of the clause which the noble Marquess had stated it to be his intention to bring forward, he begged to be considered as not pledging himself to any particular course which he might hereafter feel it his duty to follow.

Petition laid on the Table.

RAILWAYS.] The Duke of *Wellington* begged to ask the noble Marquis (Lansdowne) opposite whether his Majesty's Ministers were prepared to bring forward any general measure upon the subject of railways?

The Marquess of *Lansdowne* replied that the Government were not at that moment prepared with any plan upon the subject; but, at the same time, be begged to assure the noble Duke that Ministers were exceedingly alive to the great importance of the subject, and that, in the course of a very short time, they should be prepared to come forward with a plan which he hoped and believed would be generally approved of. In the mean time he thought it would be highly desirable to introduce into all the Railway Bills that should come under the consideration of the House, a clause by which they should hereafter become subject to any general plan which the House might deem fit to adopt. He might as well state that a Bill would be brought into the other Honse of Parliament to carry the proposed object into effect. Their Lordships should recollect, however, that this was a delicate subject to the companies concerned, but he hoped that equal protection might be afforded to them and to the public.

The Duke of *Wellington* thought it highly expedient that the Bills now before the House should be rendered subject to any general regulation which the House might afterwards adopt. Therefore, with the permission of the House, he would read a clause which he had prepared upon the subject, and which he thought should be introduced into every Railway Bill that came under their consideration prior to the adoption of a general plan. He would read the clause now, and then lay it on the table of the House in order that it might be printed and considered by their Lordships previous to Thursday next, when he should move its insertion in the first Railway Bill that came before them. The noble Duke then read the clause, to this effect: "Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to the exemption of this or any other railroad from the provisions of any general Act or general Acts for the regulation of railroads, which may be passed with a view to the advantage, protection, and security of the public, before the expiration of one year from the passing of this Act, if Parliament shall be sitting at the expiration of such period of one year, or if Parliament should not be then sitting, before the end of the then next session."

Subject dropped.

THE UNIVERSITIES (SCOTLAND) BILL.] Viscount *Melbourne* rose to move the Second Reading of the Universities (Scotland) Bill. He said that, notwithstanding the estimation in which the Universities of Scotland were held in that country, notwithstanding the effect they had upon the country, notwithstanding the means they afforded for cheap education, some vices, some errors, had still crept into those establishments, which it was admitted on all hands required certain amendments. He undoubtedly felt that such extensive powers and influence as belonged to the Scotch Universities required periodical revision, and especially to be considered by fresh eyes—to be considered by those who were not previously accustomed to the general routine of the affairs within those spheres; and such a revision would be required even if the institution were well administered in themselves. Upon that view the Commission of Royal Visitation had been appointed. That Commission had entered into a very accurate and complete inquiry upon the subject. They had examined into the Universities of Scotland, into their mode of instruction, into their property, into the appointment of the professors, and in short, into their general state and management, and they had made a Report, in which they recommended various extensive and important improvements. The present Bill recited the facts which he had stated respecting the Commission, and was founded upon the particular recommendation contained in the 13th page of that Report. The noble Lord then read the passage of the Report which recommended the appointment of Commissioners, in order to discover the best mode of carrying their specific recommendation into effect. Now, this Bill after reciting those facts, provided that it be lawful for his Majesty with the advice of his Privy Council to appoint a Board of Visitors to the Colleges of Glasgow and Edinburgh, and to the King's College at Aberdeen. In addition to the General Board for the whole it had been deemed convenient to appoint also special boards of visitors for each separate College, because whatever might be the case with the General Board, it might fairly be expected that Gentlemen would be found to give a portion of their time gratuitously towards the management of their own College. The next clause contained various regulations respecting the system of management to be pursued. Clauses 8, 9, and 10 referred to the powers to be given to the visitors. The 8th conferred upon them all the powers at present enjoyed by his Majesty in his visitatorial capacity. The 9th provided that the "Senatus Academicus" of each College should state to the Board of Visitors the regulations which they would propose to be adopted in their own particular case. That provision was inserted in order that they might have all the benefit of the local knowledge of the Gentlemen intimately connected with each College; but if those Gentlemen neglected to make such recommendation to the Board within six months' then the Commissioners were empowered to make the regulations themselves. The 10th Clause gave the power of abolishing professorships, saving vested interests. It was further enacted that the measure should continue in force only for five years, unless, it should be at an earlier period confirmed by Act of Parliament. Upon the whole then, this Bill being recommended by the Commissioners, and having been delayed somewhat longer than it ought, he trusted there would be no objection to adopt the measure, with such alterations as might hereafter seem fit to their Lordships. The measure undoubtedly did vest in the hands of his Majesty's Government a considerable power, by conferring upon them the appointment of the Board of Visitors; but it would be superfluous, he sincerely hoped, in him to profess that it was the intention of Government to advise the selection of those only for members of the Board who from [their knowledge, from their character, from their respectability, and impartiality, were the most fitted to exercise that trust, and to acquire the esteem of their fellow-collegians. In conclusion, he begged to move the Second Reading of this Bill.

The Earl of *Aberdeen* stated, that it was not his intention to offer any opposition to the Second Reading of the Bill, because he understood from the explanation of the noble Lord, and also from the contents of the Bill itself, that its object was to carry into effect the recommendations contained in the Report of the Commission of Royal visitation which was appointed no less than seven years ago, and which had presented its Report to Parliament more than six years. [*"Not quite six years," from Lord Melbourne.*] Having had the honour of being a member of that commission, he of course could have no objection to a measure for carrying into effect the recommendations of their Report in which he had mainly coincided. But he certainly felt, that greater discretion must be given to the Commissioners than was given by this Bill. He had been glad to hear the announcement of the noble Lord as to the intention of the Government with regard to the appointment of the Board, and he would only suggest, if they found any difficulty in carrying those intentions into execution, the propriety of following the course which had been pursued by his right hon. Friend (Sir Robert Peel), when he was Secretary of State, by making those appointments entirely independent of any party character so that the Board should be composed of men of all descriptions and opinions, but all equally able to engage in the consideration of the subject in question. He had no doubt that the Commission would give satisfaction, and he should therefore support the second reading of the Bill; but if it should contain any provision subject to objection, which he did not believe to be the case, he should reserve to himself the right of opposing it in Committee.

The Duke of *Wellington* expressed a hope that amply sufficient time would be given for the consideration of the measure before it went into Committee.

The Earl of *Roseberry* could not avoid stating shortly his opinion on this subject, and in the first instance, having taken some pains to inquire into this question, he begged leave to acquit his Majesty's Government of any neglect or unnecessary delay. He knew that their attention had been continually directed to the subject from the end of the year 1831, when the Commissioners made their Report to his Majesty, down to the time when this measure was digested. They had continually been employed in considering how the recommendation of the Commissioners might be best enforced; but difficulties did present themselves, and questions arose, which prevented the Crown from acting in the matter upon its own responsibility; and the principle of adopting in the Bill the original and fundamental recommendation of the Commissioners was, in his opinion, not only the best method of carrying into effect that primary recommendation, but was the only means of obviating the difficulties that had arisen. Upon that principle he should support the second reading of the Bill.

The Archbishop of *Canterbury* said, that after what had fallen from noble Lords much more capable of judging correctly upon this subject than he was, he of course could not think of offering any objection to the second reading of this Bill; but he confessed he had at first been rather alarmed at the powers which it bestowed upon certain individuals; and also at the extent of the measure which went to alter the whole constitution of the ancient, venerable, and highly-useful Universities of Scotland. He, however, had that evening heard from noble Lords who possessed much better information on the subject than himself, that very great alterations were necessary; notwithstanding which he really was not prepared to give a vote upon a subject so deeply affecting the religious interests and the education of the people of Scotland without further information upon which to proceed. Upon that ground, then, he joined in the request of the noble Duke, that full time should be given for the consideration of the measure previous to its going into Committee.

The Earl of *Haddington* considered, that time ought to be granted. The greatest interest and a considerable sensation prevailed upon the subject in Scotland. Ample time was necessary, in order to have before the House all the suggestions which might be made, and especially from the Universities themselves; because it was admitted that if the Universities were opposed to the measure it would not work well.

Bill read a second time; to be committed that day fortnight.

Municipal Corporations Act—(England).] Upon the Motion of the Lord Chancellor, the House resolved itself into a Committee on the Municipal Corporations' Act (England) Amendment Bill.

The several clauses were read and agreed to.

The Marquess of *Camden* proposed the insertion of a clause for the purpose, as was understood, of preserving the power of the Chancellor of the University of Cambridge in regard to the licensing of houses.

The Earl of *Radnor* objected to the clause, as giving to the Chancellor of Cambridge and exclusive power of granting and withdrawing licences, not possessed by other magistrates.

The Duke of *Wellington* supported the clause upon the ground of the privileges of the University, which were respected in the Bill, for he found in the Act of Parliament of last Session, words to this effect —Provided that nothing herein contained shall affect the rights and privileges of the Chancellor or other officers of the Universities of Oxford and Cambridge.

The clause was agreed to.

The Bill reported, with amendments.

The House resumed.

HOUSE OF COMMONS,

Tuesday, June 14, 1836.

Minutes.] Bills. Read a first time:—Christ's Hospital Estate.

Petitions presented. By Sir W. Geary, from Staplehurst, against the Abolition of Gavelkind.—By Captain Alsager, from the Retailers of Beer, Salford, for placing all Dealers in Beer on the same Footing.—By several Hon. Members, from various Places, for Abolition of Church-rates.—By several Hon. Members, from various Places, for the House to Adhere to the Provisions of the Municipal Corporations' Act (Ireland) as originally passed by them.—By Mr. S. Crawford, from various Places, for Abolition of Tithes (Ireland); and the House to Adhere to the Irish Municipal Reform Bill, as originally passed by them. By Mr. O'Connell and Mr. Henry Grattan, from various Places, for Abolition of Tithes (Ireland).—By Mr. O'Connell, from Kettering and Whitburn, for Reform of the House of Lords.—By several Members, from various Places, against Turnpike Trusts' Consolidation Bill. —By Captain Wemyss, from Falkland, for a Law relating to the Construction of Merchant Ships.—By Colonel Conolly, from Clogher, against the Church of Ireland Bill.—By Mr. Scholefield and Mr. Hume, from Birmingham and Islington, for Repeal of the Duty on Newspaper Stamps.—By Mr. Chalmers, from Forfar, for Municipal Corporations' (Scotland) Bill; and from Montrose and Brechin, for Relieving Royal Burghs from Maintaining County Prisoners after Conviction.—By Sir S. Whalley, from St. Pancras, for Parish Vestries' Bill; and from Great Coggershall, for Amendment of Poor-Law Act Amendment Bill.—By Mr. Chalmers, from Forfar, for Irish Church Bill.—By Mr. O'Connell, from Kilmalo, for Revaluation of Tithes (Ireland).—By Mr. H. T. Hope, from Gloucester, for Mitigation of Criminal Law.—By Mr. Law Hodges, from Chatham, in favour of Triennial Parliaments.

Crown Lands in Radnor.] Mr. *Harvey* said that, seeing the Attorney-General in his place, he would take that opportunity to present a Petition of which he had given that learned Gentleman notice. The petition in question was an appeal to that House—it was an appeal from the poor to the rich against a scourge which the rich alone could inflict on them. The petition was signed by seventy persons, all of them, with five exceptions, of the labouring class in the county of Radnor, in South Wales. The county of Radnor, it was well known, was extremely mountainous, and, until lately, a great portion of it had been the property of the Crown. However, in the year 1826, the Commissioners of Woods and Forests sold a great portion of the Crown manors there, and that, too, he regretted to observe, by private contract. In that year one of these manors had been sold by the Commissioners to Mr. Watt, of Birmingham. It had long been the custom for the poor of the district—a custom which had not been interdicted by the Government — to enclose small portions of waste grounds on the slopes of the hills and vallies there, and to build cottages upon them. Some of these cottages had been occupied upwards of thirty years. It suited the purposes of the purchaser of the manor, on obtaining possession of it, to institute an action at law to recover one of these cottages, and a small portion of ground attached to it, with a view to the assertion of his dominion over the whole of them. The action was tried, and a verdict returned for the plaintiff, subject to a special case, to be argued and determined in the Court of Common Pleas. It was fully argued there, and the unanimous decision of the court was, that the Crown had not the power to sell the waste; that if it had the power which it claimed, that power did not pass with the deed to the purchaser, and the Chief Justice observed, that not only the law, but the justice of the case was with the defendant. A rule was accordingly entered for the defendant, and so the matter at that time terminated. Since then his Majesty's Attorney-General, at the instance of the Commissioners of Woods and Forests; had instituted proceedings for the purpose of establishing the right of the Crown, and to do so he had recourse to the ancient prerogative writ of intrusion, a writ that had been employed in the very worst periods of English history. It was attempted by this most tyrannical proceeding to deprive those poor people of little properties that they had possessed from a period sufficiently long to consecrate their right to them. Though such a proceeding might be agreeable to law, it was repugnant to the principles of justice; and the very Act of Parliament, passed only a few years since, empowering the Commissioners to sell manors of this description, declared, that encroachments of twenty years' duration and upwards, should be excepted; that where there were such, the Commissioners should give the parties leases for thirty-one years, or come to agreements with them upon equitable terms. The petitioners felt, that if the Government succeeded in this case, their small holdings would be swept away from them, and they would be driven to the workhouse. He trusted that the House would manifest such a feeling as would induce the Government to desist from further proceedings in this matter.

The *Attorney-General* said, that he had attended in consequence of the hon. Gentleman having given him notice of his intention to present the petition. He had made it his duty to inquire into the facts of the case, and having derived his information from a quarter on which he could place implicit confidence, he would lay the real facts before the House. It would then be seen that nothing had been done by the Government which could give just cause for complaint. The Crown possessed extensive manors in the county of Radnor, and large portions of the public property therein had been encroached upon by private individuals. In the year 1826, a number of these manors were sold. Mr. Watt, of Birmingham purchased one of them, and as might be expected from such a man, he had treated the persons who had made encroachments there with the greatest kindness and liberality. He allowed them to remain in possession, on condition of their paying him a nominal rent of 2*d.* or 3*d.*, and to those who wished to purchase the fee simple of their encroachments he sold it considerably under its value. All of them acknowledged the title of Mr. Watt, except a Mr. Parsons, an attorney at Presteign, who had taken advantage of the matter to stir up dissension in the county; an action was brought against him, and a verdict was had for the plaintiff, subject to a special case to be argued in the Court of Common Pleas. The title of the Crown was clearly proved, and if the action had been brought in the name of the Crown, no defence could have been set up by the defendant. The Court of Common Pleas, however, ruled for the defendant upon a technical point of law—namely, that the Crown being out of possession, it could not transfer the legal estate in those wastes by the deed. Mr. Parsons having thus succeeded upon a technical point, he not only refused to acknowledge the title of Mr. Watt, but he stirred up these poor persons, who had already acknowledged it, to resist it. Mr. Watt, under these circumstances, called on the Woods and Forests to complete his title. It was for that purpose that the present proceeding had been instituted against Mr. Parsons. The hon. Member would persuade the House, that the proceeding in question was a renewal of those oppressive measures which had been resorted to by Empson and Dudley, and for which those eminent individuals had suffered a penalty that no one regretted. Now, what was the course taken against Mr. Parsons, the author of all this mischief? A writ of intrusion had been filed, the only course open to the Government, and he should have neglected his duty if he had not afforded a remedy to enable the Woods and Forests to complete Mr. Watt's title. The action would be tried at the approaching assizes for Herefordshire, when he had no doubt there would be a verdict for the Government, and then he was quite sure that harmony would be restored between Mr. Watt and these poor people, and that having vindicated his title, Mr. Watt would, with his well-known kindness and liberality, allow them to remain in their holdings.

Mr. *O'Connell* contended, that there was no liberality in compelling these poor people to acknowledge his title by paying him 2*d.* or 3*d.* rent, and thereby giving him the power to turn them out when he pleased. The merits of the case would not be tried by the action that was brought. The overruling prerogative of the Crown would override on that occasion all justice and equity. If the facts were as they had been represented to the hon. Member for Southwark, that hon. Member ought to move for a Committee of Inquiry on the subject, and if such facts were proved before it, it would be the bounden duty of the House to address the Crown to stop such oppressive proceedings.

Mr. *Ormsby Gore* begged to assure the hon. Member for Kilkenny that quite as strong cases had occurred in North Wales. The most vexatious and oppressive proceedings had been adopted there by the Commissioners of Woods and Forests—proceedings that had surprised the whole principality.

Mr. *Jervis* vindicated the conduct of the Commissioners, and contended that the proceedings which they had adopted had been necessary for the purpose of asserting the rights of the Crown, or rather of the public.

Petition laid on the table.

PRISONS OF THE HOUSE.] Sir *Frederick Trench* rose to make a complaint as to the state of the prison-rooms belonging to the House. He had had the misfortune to be the first inhabitant of them, and mere accident prevented his confinement in the same apartment with the hon. Member for Ipswich. The rooms were so constructed, that it was impossible for one Member not to pass through the apartment of the other, and frequently this could not be done without the utmost impropriety and indecency. That no inconvenience of this kind had arisen in his case was owing to good fortune; for the hon. Member for Ipswich, instead of being on his way to Dover and Calais, was comfortably asleep in his bed in his own lodgings. He had no doubt that had they been thus awkwardly circumstanced, the hon. Member for Ipswich would have treated him with the utmost courtesy, and he should have endeavoured to return it; but still the situation might have been inconvenient. He was suffering at the time under severe indisposition, and he might have been compelled to go through the hon. Member's room; and two men of less mild disposition and habits might have found the situation very disagreeable. If the object were to keep quarrelsome Members asunder, no arrangement could be more absurd. Of course he imputed no blame to the Speaker, who was not at all responsible for evils existing in the construction of the present House of Commons; but although not an architect, having some knowledge of the subject, he could state, that no arrangement could be worse adapted to the purpose than the prison-rooms. From what he had observed in the recent change of tone in the conduct of debates, it might ere long be found necessary to put a great number of Members in the cells, and as (according to the proverb) a burnt child dreads the fire, he apprehended that serious consequences would ensue should he ever again become an inmate of them. He would, however, endeavour to conduct himself so as not to incur the displeasure of the House, that he might run as little chance as possible of such a calamity.

Mr. *Wason* referred to the letter he had written to the Speaker, expressing his sense of the courtesy shown to him by the Sergeant-at-Arms, and complained of the order of the House, for which he had found no precedent. No Member ought to be ordered into custody unless he had contravened the orders of the House, or refused to comply with its just demands.

The *Speaker* stated, that he had received information from the Sergeant-at-Arms, that the prison-rooms of the House were not well adapted to the purpose. As far as the evil was capable of a remedy he would take care that it was remedied.

Subject dropped.

THE DIVISION ON THE MUNICIPAL BILL (IRELAND).] Mr. *John Abel Smith* rose to call the attention of the House to a circumstance peculiarly and personally affecting him. He alluded to the irregular and improper manner in which he had obtained admission into the House on Friday night, so as to have his name inserted in the list of the majority in the Division. He was aware that it could not be retained on the votes, and he admitted that he had transgressed a rule which it was of great importance to observe. He could palliate it only by the great anxiety he naturally felt to be present, in order to record his opinion upon a question of so much magnitude. In his cooler moments he deeply regretted the course he had taken, and through the Speaker begged to express his sincere contrition. He must, however, after apologising for himself, bg the attention of the House to the case of the messenger (Bailey), through whose instrumentality he had contrived to get into the House, so as to be counted in the Division, although previously locked out. He understood that he was a most respectable and excellent man, who had unwarily yielded to his (Mr. Smith's) most earnest solicitation and entreaty, and had thus transgressed his duty. He himself was, in truth, the only guilty party, and he hoped that the offence would only be visited upon himself.

Mr. *Aglionby* bore strong testimony to the good character of the messenger, who came from the same county as himself. The offence he had committed arose out of his extreme obligingness of disposition; and he hoped that the Speaker, yielding to the sense of the House, would take no further notice of the transaction.

Sir *George Clerk*, who had been one of the tellers on the occasion, said that he had felt it his duty to follow the course taken on previous occasions, viz., to state to the House on the first opportunity that the names of some Members appeared in the list of the majority which ought not have been there. Owing to the absence of the hon. Gentleman (Mr. J. A. Smith) yesterday he could not then do it, but it was generally required by the Chair, when it was duly informed upon the subject, that such Members should avow themselves. All that was necessary was that the hon. Member's name should be struck out of the list. At the same time he expressed his hope that the Speaker would take no farther step regarding the messenger.

The *Speaker*: This being a matter bearing upon the privileges of the House, and looking to the position in which I stand on this occasion, I am sure the House will feel I should be wanting in respect to them, and in justice to my own feelings, if I did not immediately take the opportunity of dismissing any individual who has so misconducted himself in violation of its established rules. I can assure the House that I was not aware of what had occurred, until my attention was drawn to the matter by the hon. Baronet (Sir George Clerk).

Mr. *Aglionby* felt much disappointment at what had fallen from the Speaker, after the House had expressed its opinion that no further punishment should be inflicted on the messenger.

Sir *James Graham* observed, that the messenger came from the county he represented, and that he bore an irreproachable character. The rules and orders of the House having been vindicated, he thought that no further proceeding was necessary.

Mr. *Wynn* was of the same opinion, and in the name of the House entreated the leniency of the Speaker.

The *Speaker*: I can assure the House, that I feel it is not for me to hesitate in complying with their wish, but that, on the contrary, I feel it to be my duty to give effect to the general sentiment of the House. I feel, however, that a sense of duty to myself, as well as my sense of duty to the House, require that I should not retain this individual, or any person in my service, without being first assured that, in so doing, there should be no chance of a recurrence of a neglect of duty. I can only assure the House that the messenger was deeply sensible of his error within five minutes after he had committed it, and has repeatedly expressed his extreme sorrow at the very culpable act of which he was guilty. I am satisfied the House will see that there is no one thing which it is more my duty to attend to, than that of seeing that its regulations are strictly abided by; but, in this instance, I shall conform to the suggestion which has been made, and admonish the individual in severe terms.

Ordered,—That the vote of John Abel Smith, Esq., on the division on the Municipal Corporations Bill for Ireland, be disallowed.

SPAIN AND THE SOUTH AMERICAN STATES.] Lord *Mahon* wished to ask a question of the Secretary for Foreign Affairs, relative to a subject which he had questioned him about last year—he meant the negotiations that were going on between Spain and the South American States respecting the recognition of the independence of the latter Powers by the former. When he put the question to the noble Viscount, on a former occasion, his reply was, that Señor Mendizabal had dissolved the Cortes, and the consequence was, that it had led to an interruption of the negotiations. The noble Lord might now make him the same answer, for the present Prime Minister of Spain had dissolved the Cortes in a similar manner. He understood, however, that Señor Isturitz, when a Deputy, said, in his place in the Chamber of Procuradores, that he did not think that the determination of the question rested with the Cortes, but that it was part of the prerogative of the Crown, and therefore the Crown should direct the proceedings; in short, that the Crown should settle the matter without the intervention of the Cortes. If this was the present opinion of Señor Isturitz, which he had given as a Deputy, he hoped the noble Lord would be able to say, that it was probable that the parties would come to a satisfactory settlement of the question. He hoped the noble Lord would be able to give the House some assurance that the negotiations were likely to be soon terminated. He did not complain of the noble Lord or of the Government; but when he recollected that it was a year and a quarter ago since the late Administration sent over General O'Leary and General Soublette, as deputies from the South American States, to Madrid, he thought that he was justified in again putting a question on the subject to the noble Lord, and in expressing his hopes that there was a reasonable prospect of bringing the matter to a conclusion. It was a subject deeply interesting to this country; and he was sure that the mercantile classes would hear with satisfaction that it was probable that the parties would soon arrive at a satisfactory result.

Viscount *Palmerston* did not think that the slowness of the negotiations could in any way be attributed to his Majesty's Government. The noble Lord must be aware that his Majesty's Government had nothing to do with the negotiations, for they had not been invited by either party to intervene in the matter. If, therefore, the negotiations were brought to an early termination, they could claim no merit for it, and if they did not succeed, his Majesty's Government could not be blamed. He could, however, assure his noble Friend, that his colleagues and himself were extremely anxious to see the differences between Spain and her South American colonies at an end; and as far as Great Britain ould interfere between independent states, without being called upon, the Government would exert its influence to promote this object. He had not heard any thing on the subject since the change in the Government of Spain. That change, however, was so recent, that it was hardly possible that the negotiations could have been carried to such an extent that a result had been arrived at. He, however, could state, that he knew that Generals Soublette and O'Leary were still at Madrid; and whilst they were there, he hoped there was every probability that the negotiations would be brought to a satisfactory termination.

MUNICIPAL CORPORATIONS (IRELAND.)] On the motion of Mr. O'Loghlen, the House proceeded with the further consideration of the Lords' amendments in this Bill.

Several of the amendments having been agreed to,

On the motion to omit the word "appointed" in the 49th Clause, and to insert the word elected, and to insert the name Carrickfergus in the schedule,

Mr. *Freshfield** said, Sir, the motion now made by the right hon. Gentleman, will enable me to address to the House the observations I wish to offer upon the measure we have so long had under our consideration; but more especially upon the proposal of the noble Lord, the Secretary of State for the Home Department, to confer municipal corporate powers upon twelve towns, and only twelve towns, in Ireland, in opposition to the amendment sent down to us by the House of Lords; and, Sir, no person can be more unwilling than I am to open a discussion which hon. Members may wish to consider closed by the division of Friday last, but it will be in your recollection, Sir, how frequently I endeavoured to obtain a hearing on that night, especially after the hon. Members for the city of London, for North Derbyshire, and for Meath, but it appeared that arrangements had been made with a view to close the debate on that evening, and I felt it my duty not to interfere with that object, but to reserve myself for the present stage. Sir, in commenting upon the statement of the hon. Member for the city of London, I would premise that I have not been led to do so by any view taken of the subject subsequent to that debate, but the remarks I shall make are those which occurred to me at the moment the hon. Member was speaking, and the substance of which I communicated to him, when I apprised him that it was my intention to endeavour to controvert his positions.

Sir, the hon. Member stated, "that if the other House chose, upon all subjects of legislation, to decide upon different grounds from those upon which the Commons proceeded, it was high time and perfectly right that this should be proclaimed out-of-doors to the people;" and the hon. Member proceeded to infer that out of this state of things a necessity arose for some change which he did not very distinctly describe. I venture to deny the fact of the hon. Gentleman and his conclusion. I discover no authority for the statement that the House of Lords proceed upon different grounds from those upon which the Commons proceed; and, on the contrary, it is obvious that, between a very considerable number of the Members of this House and the great majority of the House of Peers, there has been no difference of opinion. Indeed, the actual state of things, as opposed to the hon. Gentleman's statement, forcibly brought to my recollection an anecdote of the great Frederick of Prussia, who, in consequence of a certain supposed position of the enemy, submitted a military measure to a council of war, at which several officers delivered their opinions, until one of the members, instead of giving to the King a military opinion, said, "May it please your Majesty, I doubt the fact." The King admitted the reasonableness of ascertaining the fact prior to agreeing upon the military measure; and it was soon discovered that there was no foundation for the position assumed. Sir, I believe that to be the precise case of the hon. Member: he assumes this House to have acted with unanimity, upon definite grounds, directly opposed to those adopted by the House of Lords; and if there had been no difference of opinion—if the general opinion had been that to be collected from the Bill sent from this House, then, undoubtedly, he would have been justified in stating that, as to this particular measure, the two Houses did proceed upon different grounds. But what is the fact?—So far from unanimity having prevailed in this House, a motion was made for an instruction to the Committee to frame the Bill upon the precise principle adopted by the great majority of the House of Peers; that motion was supported by a minority in this House so large as to make it questionable what was the opinion of the House. It is true that, for the purpose of the proceeding, there being a majority, the Government were entitled to claim the benefit of a decision in their favour, and so they would, had the majority consisted of a single vote only; but when the hon. Gentleman thinks proper to represent this case as of an extraordinary description—as requiring to be "proclaimed out-of-doors to the people," then he must not stand upon a mere majority, but upon a clear, fixed, almost unanimously-agreed principle, within these walls, brought into doubt, only, and for the first time, by the House of Peers. But what pretence is there for such a statement? We find a minority, consisting of between 200 and 300 Members, affirming, in this House, the very principle adopted by the other House of Parliament—we find in this House a number in favour of the ministerial plan, not equal to the aggregate number composed of the majority of the Peers, and the minority of the Commons. So that in opposition to the Government plan you have actually a majority of those possessing the right to legislate, and yet we are to be told of some remarkable, even culpable, difference, between the two Houses.

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* From a corrected report.

But I would invite the attention of the House to another view of the question raised by the hon. Member. It must be well known to every hon. Member that the House of Lords is a Court of final appeal from other Courts of Justice. Suppose, for a moment, that in its judicial character, it had reversed three or four decisions of some inferior Court, would it be a fair ground of complaint against the House of Lords, or would not the inference be that the fault lay with the Judges of the inferior Court—that their law was unsound; or if the learned persons were not deficient in their law, would it not be suspected that they had been subject to some pressure without—that their erroneous judgments following each other in quick succession were to be ascribed to some unhappy leaning to one party, rather than a rigid adherence to sound and impartial justice? I do not stop to apply the supposed case; I will not ask whether the senatorial qualifications of the representative legislators are unquestionable, or whether, admitting their general fitness, yet that individuals have been obliged to yield to those influences to which they owe their elections, and upon which they depend for further returns. I have a right to contend, and I do so with confidence, that the decision of the majority of the House of Lords is as likely to be consonant to justice and the principles of sound legislation, as the judgment formed by the majority in this House. What, then, are we to proclaim to the people? That each House has exercised its judgment as to the best mode of promoting the general good; that the House of Lords, in the case of this Irish Municipal Corporations Bill, has followed the course adopted upon every other Bill, namely, examined the principle and the details, and decided thereon as appeared to them just; that you do not question their right or their discretion in general cases, but are mightily displeased in this particular instance; and is this a ground upon which we can expect to stand well in our proclamation "out-of-doors,"—in our appeal "to the people?" Always remembering that we are complaining, not of any usurped power on the part of the House of Lords—not of any new and extraordinary proceeding, but merely and simply that we having exercised our jurisdiction, they have discharged their duty according to their own sense of right, we therefore complain not of the House of Lords, but of the Constitution; and until it can be shown that the House of Commons ought to be invested with the sole right of legislation—until the Constitution of England is overturned—we can have no right to complain that an independent branch of the Legislature has not been unfaithful to its trust by failing to afford protection to the people.

Sir, the station in and out of this House of the hon. Member for the City of London—his reputation for talent, and the importance of the question, demanded that I should offer these remarks; and with the exception of one passing observation upon another attack upon the House of Lords made by the Member for North Derbyshire, I shall leave the measure of their Lordships to furnish its own justification. That hon. Member thought he could not more strongly express his dissent from the course taken by the House of Lords, than by imagining a fit preamble to be inserted in the Bill as amended by the Peers, and accordingly he proposed that it should read thus—"Whereas it is expedient to abolish all Municipal Corporations in Ireland; and whereas three-fourths of the people of that country are unfit to enjoy municipal institutions, because they are Papists." Now, Sir, I am always happy when I can agree with the hon. Member for North Derbyshire, and I perceive that we approximate, at least, to an agreement in the present case, and that if he will add to his preamble, that by means of the great disproportion in numbers, the Roman Catholics would obtain the exclusive government of all municipal corporations in Ireland, I should be disposed to adopt his conclusion, that they are indeed unfit, and, for their own sakes, ought not to possess municipal institutions. But I am sure the hon. Gentleman is too liberal to claim a monopoly in legislation; and as he has proposed a preamble for the Bill as it came down from the House of Lords, he will permit me to suggest a title for that Bill which His Majesty's Government contemplate sending up from this House, and, with your leave, I will recommend that it shall be intituled, "An Act to facilitate agitation in Ireland, and more effectively to deliver over to the Papist agitators the persons professing the principles of the Reformation, and especially the members of the Church by law established."

Sir, there were other speeches delivered in the course of the general debate, upon which I should have been glad to offer some remarks, especially upon the endeavour of the hon. and learned Member for Tipperary to prove that no contract had been made between the incongruous parties on the other side, but merely "a close alliance"—"a junction upon terms most honourable"—"an alliance so compact that he considered it indissoluble;" but I feel discouraged by the disadvantages under which I have to discuss the question, with the knowledge that the Bill is now in the hands of the Government to be moulded, so far as this House is concerned, into any shape they may think proper, and that no further division will take place upon the changes they may make. Still I am bound to record, not merely my opinion, but some facts which ought to be, and in justice must be, in the possession of my fellow-subjects in Ireland, and in England; and I shall proceed to that part of the subject as rapidly as possible.

The Bill, as it went up to the House of Lords, was calculated greatly to increase the means of agitation in Ireland; and while it possessed that injurious faculty, it was not necessary to the good government of the towns in Ireland. In short, to me it appeared that nothing could be worse than the Bill carried through by a majority in this House; but I was mistaken in that conclusion—the House of Lords sent down the Bill, providing for all the useful purposes of municipal institutions, but deprived of the injurious character which it carried in its original transit, and the Government have the merit of proposing an altered plan to conciliate the Lords, by which the evils of the former measure are aggravated an hundred-fold. According to the improvement to be proposed, twelve Corporations are to be retained, of which Carrickfergus stands number one; or, as the Member for Waterford happily, but for his own argument, indiscreetly, described them to be—little Parliaments:—Parliaments, you will recollect, in which all the power is made to pass over from the Protestants to Catholics; and while, by the original Bill, the mischief of such bodies would lose much of its power from its dispersion over the country, and its interest would be weakened by its having an ordinary possession, in this new proposition, of twelve Irish Roman Catholic Parliaments, the power would be increased by its concentrated form—by the elastic character and operation which might be given to it—by the interest which it would be enabled to create—by the systematic working which it might command. A more effectual instrument for the increased agitation of Ireland could not be conceived by human ingenuity. But is it for the interest of Ireland that she should be subject to increased agitation? I will answer the question by a fact.

Sir, in and prior to 1823, the landed proprietors of England were greatly inconvenienced from their inability to collect their rents, on the one hand, or, on the other, to raise money upon mortgage during the temporary pressure; and it is notorious that persons, with the ample security of unencumbered estates, were obliged to obtain money at annuity interest. In 1823, the difficulty was removed by the resolution of a great public body to lend money on mortgage, at 4 per cent. interest. The example was immediately followed by other capitalists, and loans on mortgage were readily obtained at a still lower rate than 4 per cent. In short, a greatly improved state of things, as it affected both landlords and tenants, immediately followed upon the adoption of this important measure; and it occurred to those who took an interest in the welfare of Ireland, that the benefit experienced in England furnished conclusive proof of the most effectual means of promoting the prosperity of Ireland. It was known that money was more scarce in Ireland—that the means of employing it were more ample, and the necessities of the population more urgent; and although I am not an Irishman, my acquaintance and connexion with Irish interests have led me to feel deeply for Ireland, and to spare no pains to confer substantial advantages upon my fellow-subjects in that part of the United Empire: and I assert most solemnly, (with ample means in my possession to prove the fact), that from the year 1824, and founded upon the experience enjoyed by English landowners, I exerted all the means in my power to introduce capital into Ireland. I did so when capitalists possessed such a redundance of money as to be incapable of finding employment for it;—I did so through the year preceding the panic—I did so upon every occasion which presented a favourable prospect of attaining the object; but, Sir, I did so with very limited success; my recommendations to capitalists, as well individuals as public bodies, were met with this single objection—"While agitation is permitted to exist in Ireland, there can be no security for property, and the promise of a high rate of interest will be no equivalent for the loss of the principal." I frequently pressed the distinction between the north and south of Ireland, and stated the regularity with which rents were paid in the former—the mitigated state of the tithe question in the north—nay, the absence of that question, in particular instances of landlords having the tithes of the whole parish in their hands; but the argument had very little effect. I was often told, that the comparative quiet of the north was a false peace not to be relied upon; that it would be wiser to lend, if at all, upon property in the south, because it was in its state of trial; and if rents could in that state be collected, it would prove something upon the question of security; but as to those parts not yet subject to the influence of agitation, their turn must come, and there was no probability of their being at rest; in short, at the very moment at which a security in England could not be obtained, even as a matter of favour, for money ready to be lent at less than 4 per cent.; at that same moment money could not be obtained upon the best Irish security at the high rate of 6 per cent. Sir, I could state many facts to establish and illustrate this position, but I am persuaded that it is unnecessary. I would only add, that the statement is made, not from hearsay or report, but from my own personal knowledge; and but for this agitation which has prevailed in Ireland, I am confident that this difficulty of finding investments in England, would have caused capital to flow freely into Ireland, and Irish works and Irish labour would have been largely paid for with British money. It is my solemn conviction that agitation is the moral pestilence of Ireland, and is working the destruction of the political and social happiness of the country. It is a war against property, life, and religion; — it is a cowardly system, inviting the many to persecute the few—it inflicts upon the people of Ireland the misery of a contagion which, while it is preying upon them keeps at a distance those who would afford them help, and the very poverty which it produces increases their readiness to become the dupes and instruments of demagogues.

I may be told it is not enough to deprecate agitation—that we should remove the causes of discontent. Sir, I attach no value to that argument; it has been urged too often to deserve respect, it has been urged by the same persons, too, who, no doubt, believed the promise upon which others acted; they were confident that particular concessions would produce corresponding content, but experience has shown, that concession has operated only as an encouragement to make new demands, and I cannot feel that the advice of those who have been themselves deceived, and have deceived others, ought now to be followed. But it will reasonably be expected of me, that as I resist the course of concession as a mere instrument to endeavour to obtain peace for Ireland, I should point out what measure I would suggest; and, Sir, I do not hesitate to press upon noble Lords, and right hon. and hon. Gentlemen opposite — I even implore of them, to change their present course. Let the rights of property be respected—let protection for life be afforded —let the supremacy of the law be vindicated — let the disturber of the public peace be restrained and punished, whether high or low—whether he be the nightly assassin or the pampered preacher of sedition, whose harangues are incentives to treason, whose every speech is a punishable misdemeanor. This would be justice to Ireland and justice to England, and secure general safety—and it would secure the Gentlemen opposite the possession of their places, because it would obtain for them the support of all who acted upon Conservative principles. They would have nothing to fear from party struggles; it is no question with the Conservative who shall rule: irrespective of the principles on which they govern, he will not oppose one party in measures proposed and maintained upon Conservative principles, nor will he support his friends in measures of destruction. But if Gentlemen opposite will cling to their close alliance, and rely upon their junction formed upon honourable terms, they may boast of the indissoluble character of their alliance; but they will find it dissolved, as many unhappy alliances are, by the power of Parliament, and they will find, when it is too late, that in conferring professorships upon their supporters, and granting them licences to agitate, they will destroy their own party, and they will withhold from Irelend and from the United Kingdom, that justice which they have now the power to confer.

Under other circumstances, I should have entered more fully into the subject, but I am aware of the indisposition of the House to entertain a renewed debate, after a division; and nothing but a conviction that the people of Ireland and the people of England ought to know how much mischief has been produced by agitation, and how much the measure now before the House is calculated to augment that agitation, could have induced me to do so much violence to my own inclinations, or to incur the risk of trespassing upon the indulgence of the House.

Mr. *Sharman Crawford* rose to bring forward a motion for the restoration of the towns to the present Bill, which were in schedule C. of the original Bill. He said that, according to the proposition of the noble Lord, twelve towns were to have mayors and town councils. The seven first towns were in the original Bill in schedule A, the others were to be found in schedule B, to which Carrickfergus and Derry were added. The effect of the noble Lord's proposition would be, to exclude four towns with a population of 10,000, and four others with a population of 9,000. Why they were to be excluded, while Derry, with only 10,000, and Carrickfergus, with only 8,000, were included, he could not understand, unless it was on the principle of a concession to the other House. The proposition he had to make was, that the towns which were placed in the old Bill in schedule C, should be restored to the honourable position of corporate towns. The towns to which he alluded were as follow: Bandon, with 12,617 inhabitants; Athlone, with 11,362; Wexford, with 10,673; Dundalk, with 10,078; Youghal, with 6,608; Armagh, with 9,189; Carlow, with 9,111; Tralee, with 9,562; Ennis, 7,711; Cashel, with 6,971; Kinsale, with 7,312; Portarlington, with 3,091; New Ross, 5,011; Enniskillen, with 5,270; Colerain, 5,752; and Dungannon, 3,515. He objected to any such compromise as that of abandoning these towns. The Bill, as it had come from the other House, was an insult to the people of Ireland; and a

British Government should refuse to be a party to it. But if this insult was received, he did not blame his Majesty's Government—he did not blame the British representatives of the British people. If their country was degraded, the blame would rest upon the shoulders of the Irish representatives alone. What was the use of talking about the repeal of the Union, and the reform of the House of Lords? What was the use of such vain boasts, if, on the very first moment when these professions were brought to the ordeal of practice, their valour oozed out at their finger ends, and they proclaimed themselves to be the humble servants of Britain, ready to accept any pittance which she in her pride condescended to offer for their acceptance? Were they now to learn that such vain boasting was not the way to maintain Irish character and Irish rights? For himself, he never held language of menace without the full intention of execution. Ireland could demand the repeal of the Union, and could enforce that demand, if justice were refused; but that could only be effected by the steady, determined, and unflinching stand of her representatives against every compromise of her rights or honour. He particularly regretted that the great leader of the Irish people was not present to support him. He should be sorry to be acting in opposition to the feelings of that hon. and learned Member; but while he entertained every respect for him, his own honour would not allow him to compromise his own opinions for the sake of following the opinions of any individual. He had reason to apprehend that he now stood in the breach of a forlorn hope; but at all events he ought to have one supporter—he called upon the hon. Member for Meath (Mr. H. Grattan), who had in a late speech nobly repudiated the insult offered to his country with all the fervour of his departed and illustrious predecessor. He called on him to remember the sentiment of the great Grattan, when he said, "the honour of a country, like the honour of a woman, when once sacrificed can never be redeemed." He did not exactly know how he could best frame his motion so as to accomplish his object; but he was disposed in that respect to attend to any suggestion that might be made to him. If he moved that the towns be included in schedule A they would have the 10*l.* franchise; perhaps they had better be included in a clause by themselves, giving them the 5*l.* franchise. The hon. Member concluded by moving that the town of Bandon, which was the first in the list of the sixteen towns he intended to propose (being the largest in population), should be included in the number of towns which were to have a mayor and council. If he succeeded in this he would then proceed to move the others seriatim, accompanied by a clause restoring the 5*l.* franchise, and the qualification for mayor and councils, as in the original Bill for the smaller boroughs.

The *Speaker:* Who seconds the motion?

Mr. Sergeant *Jackson* said he could not sit and hear it proposed that the town which he had the honour to represent should be included amongst the towns which were to have corporate honours and privileges extended to them without rising to second the motion. If there were to be any additional towns included he should certainly respectfully put in his claim for the very respectable town of Bandon. When the hon. Gentleman opposite declared that he would not compromise his opinions, he certainly did cheer the hon. Member, because whether in this House or out of it, in his humble judgment, a more honourable man was not to be found. He begged to add a word on another subject. The hon. and learned Member for Kilkenny had on a former occasion referred to an inscription which he said he had seen on entering the town of Bandon. Now he had received letters that morning, stating that there had been neither a gate nor any walls at the entrance of the town of Bandon within the last century. The letters informed him that there was not even the vestige of a wall or gate, nor was there any tradition to warrant the supposition that there ever had been a wall or gate. He seconded the present motion, because he felt that if there were to be towns added to the list, there could not be found a more loyal or more respectable town than that he had the honour to represent.

Sir *Eardley Wilmot* said, that although he had opposed the Bill in its first shape, he had cheerfully supported the proposition of the noble Lord, the Secretary of State for the Home department, for introducing the 12 towns which he had named, because he thought it would make a Bill, originally bad, worthy of the support of the House. He was decidedly opposed to the principle of adding other towns to the list; and if the hon. Member for Dundalk was allowed to get up and add three or four other towns, his example might be followed until all the small towns, as originally proposed, would be replaced in the schedules, and the measure would be again reduced to that impracticable, and as he thought, improper state, which it was in before. He thought, as the measure stood at present, it would not only pass this House, but the other House also. Although an Englishman, he had as much regard for the welfare of Ireland as if he were a native of that country, and he was anxious to see ample justice done to Ireland; but the question was, what was justice to Ireland? He considered it to be the same as that which was considered to be justice to England. With respect to the House of Lords, he had never heard it contradicted in that House, that the House of Lords had not a right to revise the proceedings of the Commons; but he doubted whether on the present occasion they ought to press their right to the extreme. He believed the House of Lords would best consult the peace of the empire by allowing the Bill to pass in its present shape; and therefore he should support the noble Lord in opposition to the hon. Member for Dundalk.

Mr. *Walter* said, the motive which some Gentlemen had assigned for voting in favour of establishing new Corporations in Ireland was, that they considered it as likely to effect the pacification of that country; now, his reason for voting against the measure was, the very strong conviction, founded on observation and experience, that it would do no such thing, but that the rejection of the measure was more likely to produce the desired effect. Neither did he concur with those who maintained that the rejection of the new Corporations for Ireland was a rejection of the Irish people from the enjoyment of those rights which were possessed by the people of England; because, beyond doubt, previously to the enjoyment of any right, it ought to be shown that those to whom it was imparted should be in a condition to exercise it for the general benefit. He thought it had been clearly proved, first, that those who had already possessed these corporate rights in Ireland, had not exercised them for the general benefit, but only for the advantage of their own party, and therefore that they ought not to be conferred upon them; and next, he thought it had been proved with equal clearness, that those whom it was now proposed to endow with these corporate rights, would not enjoy them for the general benefit, but for the good of their party, and that therefore they ought not to be conferred, but that both sides should alike be deprived of them: the rights themselves should be suffered to fall into disuse, and another mode of corporate government established. The old Corporations had undoubtedly been made, in Ireland particularly, an instrument of abuse which one party had used for the oppression of the other. But now what did they propose to do by this measure? They preserved this instrument of abuse, simply placing it in other hands, that is, in the hands of that party which had suffered by it, and who had therefore motives of resentment to instigate them, as well as the ordinary disposition of the human mind to abuse power. By this observation he intended no disrespect to Catholics or Irishmen, but argued only on general principles applicable to mankind, whether on this or on the other side of the Channel. England and Scotland had been adduced as examples why the same rights should be conferred on Ireland; but he would beg leave to ask whether we had yet had any experience of the content afforded by these new-modelled systems? The chief and just complaint against the old bodies had been the abuse of self-election; and that abuse having been removed, he doubted whether in other respects the new system would long continue to give universal satisfaction. But the peace of Ireland, it was said, was to be effected by this and by another concurrent measure—the appropriation measure. He had no more confidence in one measure than in the other. What could be more conciliatory than the course proposed the other night by the noble Lord, the Member for North Lancashire, for the adoption of a measure based on a commutation and ultimately a redemption of tithes, and such a disposition of Church property as would satisfy the Protestants, by whom, in fact, four-fifths of the tithes were really paid; and to the Catholics he would grant funds for education equal to those of which it was proposed to deprive the Established Church? He thought with that noble Lord, that as the grant for education would be a mere trifle, unfelt by the country, if taken from the Consolidated Fund, the Catholics ought not to be supported in endeavouring to wring it from one particular class of men, whose property it was, and by whom the loss would be severely felt. We said to the Catholics, "fill your bucket, if you please, from this vast river,"—namely the Consolidated fund; and their answer was, "No, we will take it from this poor man's well, (the property of the Church of

Ireland,) though the owner had scarcely sufficient water for his own personal and domestic wants." But, after all, would either, or both, of these measures, now under the consideration of Parliament, have the effect of tranquillizing Ireland? Did the noble Lord, the Secretary for the Home-department, expect such a result? Was it not declared by those about him that these were only preparatory measures to future changes—one or two steps more in the path of incessant change? It was said, that the Roman Catholics insisted upon more now, because they had not previously had so much as they ought. But was a nation, or were the rulers of a nation, to be governed by such a maxim as this—that more should be granted at one time, because enough had not been granted at another? He said, that such a course as this was the mere exercise of vindictive feelings in others; and that justice, and no more than strict justice, ought to be done at all times. Such a course might do very well between individuals, but ought not to be pursued by a powerful Government towards dissatisfied subjects. They had now had six years' experience of the introduction of reform measures into Ireland, and they were likely to go on six years longer in the same way—change after change, but no peace, no tranquillity, nor any tendency to either. He should not detain the House longer than to recall to its recollection the various promises which were held out by the leading Catholics before the great measure of emancipation was passed. He would just as soon expect that peace would be restored by these new measures as he had seen it had been effected by conceding Catholic emancipation. The predictions were as confident on this occasion as they were then, and he believed the issue would be just the same. The noble Lord, the Secretary for the Home Department had spoken of the mischiefs that would result from taking away local government from the people in various districts, and transferring it by centralization to the Administration of the State. He thought that this was a singular opinion in one who had destroyed the local administration of the Poor-laws throughout the kingdom. He regarded both the questions as mere delusions. If Gentlemen were really interested in the welfare of Ireland, he thought they would act with more patriotism if they would first turn their thoughts to provide for the 2,000,000 or 3,000,000 of their countrymen who were acknowledged to be in a state of destitution and wretchedness; rather than endeavour to agitate the country upon measures from which he believed not one in ten thousand could derive the slightest benefit.

Mr. *O'Connell:* I object, Sir, to the introduction of such questions as the Church Bill and the Poor-laws upon this occasion. On the Poor-laws we have already read enough in *The Times* newspaper. We had discussion after discussion upon them. *The Times* is the mighty thunderer upon the Poor laws, and the hon. Gentleman, I believe, really thinks that he is writing a paragraph instead of making a speech. And then, as to the Church question—as to what he calls the robbery of the poor man; why, the first time that question was stirred in this House, it was by the hon. Member for Tipperary; there were then only twenty-seven Members who voted for that spoliation, and one of the most prominent of them was the hon. Member for Berkshire. I have read his name in the list—the list published in *The Times*, so that he cannot renege from that. I wish to Heaven the hon. Member would take himself from this side of the House. I scented him in the past Session, as "the last rose of summer," and yet he still remains amongst us. I wish he would go to the side upon which he votes, and not remain where he ought not to be [Colonel *Peel*—"*Order!*"]. I leave it to the hon. and gallant Colonel, whether he could think it right himself to act in this way? I leave it to him, as a man and a gentleman, whether he would condescend to pretend to be one thing, and yet be another? We have then his dissertation upon the Church question. Why does he not in this conform to the columns of the paper I have referred to? Has that paper observed the slightest decency towards me, and as an earnest of the wages of its iniquity, has it not done this, and shall not I now be permitted to retort upon—

Mr. *Kearsley* rose to order. Sir, said he, if his Majesty's servants, for they are Ministers no longer—I say, Sir, if his Majesty's servants can submit—if they are so humiliated as to submit—to the bullying conduct of the hon. Gentleman, I shall not submit to it. I wish to know, Sir, is this proper conduct in this House? I'll divide the House upon it.

Mr. *O'Connell*: I wish the hon. Member for Berkshire joy of his ally. There could not be two more completely suited to each other. I may, perhaps, indeed be permitted to express my astonishment at this; what an excellent constituency it must be that is represented by the hon. Member for Wigan! But to return; I have here the division of the 8th July, 1833, which is exactly as I have said. If it is wished by hon. Gentlemen opposite, I will read the contents of it. On the 8th July, 1833, exactly as I have stated, the hon. Member for Berkshire voted for the spoliation clause. I have now done with that part of his speech which referred to Poor-laws, and also that referring to the spoliation of Church property; we then come to the question before us. The hon. Member says, that the prophecy was wrong which declared that emancipation would procure the pacification of Ireland. Why so it would, if it had been honestly followed up. I did not say that emancipation would be a final measure. On the contrary, I always said, that it must lead to others; that it was only the means, and not the end itself. It was to be one of the means working to this end—the amalgamation of all parts of the British Empire into one consolidated body, enjoying equal rights and equal privileges. When emancipation passed, that did not follow; why? Because the Emancipation Bill itself was stingily, and I may even say, with individual exceptions granted. What then followed? The people of Ireland, as they had every right to do, looked to their own resources; they called for the Repeal of the Union, and they would have the right still to insist upon it, if there had not been given to them a distinct pledge that they should have equal rights and privileges with the people of England. Does any man say, that if this measure be granted it will pacify Ireland? No, but it will be one step taken by the British Government to confer upon them those rights—it will be advancing, and they have advanced to that end. The hon. Member for Berkshire, however, says, you are still to continue to make an exception as regards Ireland—that having nominally emancipated the Catholics, they are still to be actually unemancipated, as they must be, until they enjoy equal rights and privileges with other British subjects. He states, that abuses have already existed. Is that the reason that they are to continue? He says that the corporation was essentially a government of Protestants for Protestants. Why the Protestants of Ireland are in number 850,000; there are 80,000 Dissenters. Now of the whole number of Protestants, there are only 13,000 who are members of the corporation; and of the entire 13,000, but 1,100 belongs to the governing body. That is the representation of the Protestants of Ireland; it is no more a representation of them than of the Roman Catholics. Thus, then, we perceive there are no more than 1,100 of the governing body Protestants. I wonder that the hon. Gentleman does not read sometimes as well as write. I submit to him that a writer ought, or is at least expected, to read a little. If he read at all, he ought to know that of all the Protestants there are but 1,100 of them who do not govern for others, but who make a monopoly for themselves; and it is because that paltry monopoly has misgoverned the country, that the people of Ireland are to have privileges taken from them. Because power is taken from a miserable party, the people themselves are to be treated as a party. Those who assert this are utterly ignorant of the Constitution. The people are not a party—as individual interests universally predominate when these individual interests accumulate in the majority, so is it necessary that the interests of the great majority never can be that of a party. The speech, however, upon which I am remarking, was not pronounced for this place—it was composed to be published for the miserable purposes of a party, and that it may appear amongst those things with which honest men are so much disgusted. Yes, disgusted, justly disgusted with a tergiversation of principle the most astonishing that ever occurred. The most disgraceful, too, that ever yet occurred.

Mr. *Richards* called the hon. Member for Kilkenny to order. An attack was made upon the hon. Member for Berkshire as if he were connected with *The Times* newspaper, when he (Mr. Richards) contended that the hon. Member for Kilkenny had not shown any connexion between the hon. Member for Berkshire and that paper. The hon. Member for Kilkenny could not be permitted thus to browbeat and ruffianise, if he might use the expression; it was not consistent with the order of the debate. He appealed to the Speaker to say whether such language as that used by the hon. and learned Gentleman, was consistent with the order, decorum, and dignity of that House.

Mr. *O'Connell*: The hon. Member for Berkshire has reason to rejoice in his second defender.

Mr *Walter*: I do not wish to interrupt the hon. and learned Gentleman; I only ask the favour of being permitted to reply.

The *Speaker* considered it would be most desirable if hon. Members would only refer to what occurred in the course of the debate.

Mr. *O'Connell*: Certainly; and therefore I only wish to congratulate the hon. Member for Berkshire upon his second defender. I think nothing can be more flattering to him than the first—except the second; one, too, so especially remarkable for his exceeding delicacy and extreme polish, which make him shrink from any thing that belongs to the kennel.

Mr. *Richards*: I rise to order, Sir. It is not right to bring into this House the manners of a blackguard, instead of those of a gentleman [" *Order!*"]

The *Speaker* was sure that the House must agree with him in thinking, that expressions had been used on both sides which were not proper to be used in that House. He would conjure the Members, for the sake of that House, not to indulge in language inconsistent with propriety.

Mr. *O'Connell*: I care not for his expressions. As to mine, I only talked of hopping over the kennel, and I think it was not inapplicable to the occasion.

Mr. *N. Fitzsimon*: I think that the debate cannot continue. The hon. Member for Knaresborough has used most offensive expressions. He has made use of a word which I am almost afraid to repeat, but which you, Sir, I am sure, must have heard, as every hon. Member near me has heard it. I must, then, request of the hon. Member for Knaresborough to withdraw, before this House, his exceedingly offensive expression.

The *Speaker* observed, that words had undoubtedly fallen from the hon. Member for Knaresborough which ought not to have been used. The inference was, that if they were not directly applicable to the hon. Member for Kilkenny, they were intended to apply to him.

Mr. *O'Connell*: Oh! I do not remember them.

Mr. *Richards*: I hope that upon all occasions I shall bow to the Speaker. I understood the hon. Member for Kilkenny to say, that the words used by me were brought from the kennel. Understanding it so, if he did not use the word kennel, I withdraw the expression.

The *Speaker* stated, that he understood the hon. Gentleman to have said that the words savoured of the kennel.

Dr. *Baldwin* remarked, that in the first instance the hon. Member for Knaresborough had used the word " ruffianise. He left it to the House to say whether that was a proper expression to be used.

Mr. *Richards*: If the word was not applied to me, in the manner I understood it, I withdraw the expression.

Mr. *N. Fitzsimon*: I think that the hon. Member for Knaresborough has no right to enter into a compromise upon this subject. I think he should be called upon at once to withdraw the offensive expression as indefensible.

Mr. *O'Connell*: I do not do so, feeling the compliment that has been paid to me by the hon. Member for Knaresborough.

Dr. *Baldwin*: But the other Irish Members do feel it. I call upon the hon. Member to explain the expression ruffianise.

Colonel *Peel*: The hon. Member, I am sure, will withdraw the expression; but I appeal to the hon. Gentleman opposite, whether the tone in which he has conducted this debate is not calculated to call forth angry expressions.

Mr. *Richards*: As it appears to me, I must have been under a mistake, in the application of the word kennel, I am at once ready to withdraw the expressions objected to.

Mr. *O'Connell*: I was arguing upon three points introduced into his speech by the hon. Member for Berkshire; one on the Poor-laws, the other the Church, upon which he has voted against his colleagues; the third is the real question before the House, and I was proceeding to comment upon it, when I was called to order by the Hon. Member for Wigan, who was very disorderly in doing so, and who sat down extremely quietly, as he usually does when he is in the wrong. I was then next called to order by the hon. Member for Knaresborough, who got into that species of language which is so familiar, that until it was proved to him, he did not know it was improper [" *Order!*"].

Mr. *Scarlett* said, the manner in which this debate was conducted, was a strong argument in favour of a repeal of the Union. He would put it to the Chair whether the debates of that House could be properly conducted if such language as that which had just been used was allowed. He would ask whether, after an hon. Member had retracted certain expressions which had been reprobated by the Chair, it was parliamentary to say, that the hon. Member who used them was so familiar with them that he did not know when he uttered them. He thought that an insulting observation, and if such expressions were to be tolerated, he submitted that it would be quite impossible to conduct the debates of that House with anything like decency, and therefore he hoped that the Chair would have the goodness, on all occasions, to interfere on the first moment anything of the kind occurred, in order to maintain the dignity of the House, and to relieve it from the difficulty in which it was now placed. It was a question of Order on which he was speaking. The hon. and learned Member for Kilkenny had imputed to the hon. Member for Knaresborough the use of improper expressions, which he said were so familiar to him, that he was unconscious when he used them. He would repeat his question to the Chair, was that Parliamentary?

Mr. *O'Connell*: Behold! a third advocate. Another cause for congratulation to the hon. Member for Berkshire! I do not believe a fourth could really be found in this House. The hon. Member for Knaresborough makes use of offensive expressions: I do not require any apology for them, whereupon the hon. Member for Norwich—

Mr. *Goulburn*: It is not for the purpose of making a commentary that I now rise to order; but I submit to you, Sir, whether, if this species of discussion is continued, it is calculated to insure respect to this House?

Mr. *O'Connell*: I have done with the subject. I thought, indeed, that a fourth could not be found. I forgot the right hon. Gentleman; I forgot that in this House a fourth could be found. If any Gentleman calls me to order, I shall immediately sit down—to find a fifth is impossible. And now, Sir, I hope I may be allowed to go on.

Mr. Sergeant *Jackson* rose amidst shouts of laughter and cheers. He was understood to say, that if hon. Members persevered in this mode of conducting the proceedings of the House, he should move that the House do adjourn.

Sir Robert Bateson moved that the House do adjourn.

Mr. Sergeant Jackson seconded the motion.

Lord *John Russell*: I must agree in what has fallen from the right hon. Gentleman, that any personal expression is, in itself, irregular, and ought not to be persevered in. No interruption of the kind ought to be permitted, but the debate should be allowed to proceed. Now I cannot help remarking, that the last time the hon. Member for Kilkenny met with an interruption, it appeared to me that he was about to proceed with what is the proper subject for discussion.

The *Speaker* thought he could not have a more suitable occasion than the present for recommending to Members to be guarded as possible in the words used by them. Upon a great many occasions, when subjects were brought under consideration in which hon. Members felt deeply interested, expressions were used in the heat of debate, not perhaps intended to be personally offensive; and it was exceedingly difficult for one placed in his situation to catch at those expressions, and to give them a meaning with which they were not intended to be applied, and were not probably so understood. The predicament in which he was placed upon such occasions was exceedingly painful. He was at all times unwilling to lay hold of particular expressions; what he had always endeavoured to do, and often, he was sorry to say, not very successfully, was to promote as far as in his humble powers lay, that these debates should be maintained with discretion, order, and conduct, and in such a manner as would be consistent with the dignity, character, and honour of that House.

Mr. *O'Connell*: The speech of the hon. Member for Berkshire, to which I was adverting when interrupted, contains three subjects. The last was the Poor-laws, the last but one the Church question. Upon that I have shown his utter inconsistency. Whatever that person's inconsistency may be, it is not my fault. I have nothing to do with it—it is no act of mine if a man becomes a renegado to the one side or the other—but when a man does so, it is natural that he should have, at least, the sympathy of those who are also renegadoes, and have abandoned principles they formerly professed. It is matter so completely personal that it is not to be accounted for. The inconsistency of the hon. Gentleman is, however a matter of very little importance in itself; it certainly has very little to do with the public interests. He has attacked all the Protestants—he has done so in identifying them with the wretched Corporations. Why he has done this in utter ignorance of the fact, that the number of Protestants in those corporations was so miserably small. And, beside this, there is the evidence before this House that those Protestants who from their intelligence and education belonged to the class of politicians, were as decidedly and as strictly excluded from the Corporations as the Roman Catholics themselves. So totally ignorant is the hon. Member for Berkshire upon this subject, that even this fact, so notorious to most others, he is not in the least degree aware of it. He is, too, doubly ignorant, when he founds an argument upon the assumption that the corporators have been the representatives of the great body of Protestants. Now, in connexion with the hon. Member for Berkshire, I have made observations upon *The Times* newspaper. The hon. Member for Knaresborough, for the first time in his life, is perfectly correct. Well, then, he was not perfectly right; but in principle he was right, and if there is a denial in this House, that the individual is not connected with that paper, the moment I have heard that denial, I shall never again say a word on the subject. But he is right. Let there be, as there ought to be, in this House, a disclaimer of any connection with an instrument of falsehood, foulness, and calumny—of one that affords an instance of the most abandoned, and certainly the greatest degradation of talent—of one that has lowered literature, and debased the character of public writers—that has shown them up as marketable commodities—that has only done this, that the higher they rise in public estimation, the more ready are they to be bought, and the greater must be the price paid for them. If there be any human being, out of this House—recollect I speak of a man not in this House—who continues to earn the wages of public prostitution; if there be such a man as I describe, then I say he is too despicable for further notice. I leave him to pocket a portion of the wages of his pensioned writers. Those who poison the waters that even an enemy in a hostile country drinks of, are accounted guilty of a crime most abhorrent to civilised life; but what are we to say of those who poison the first sources of literature, who stigmatise the character of a nation, and debauch the instruments of learning—theirs is the worst mode of earning the wages of villainy, for theirs is the most abominable of all prostitutions. They are those who argue for a question, and turn against it; who hope for one thing to-day, and hate it to-morrow. Does this touch the hon. Member for Berkshire? I hope not. I really hope that he has no connexion with an instrument of that kind. It has been suggested by the hon. Member for Knaresborough that he has not. I adopt the suggestion. I believe at once that the fact is as the hon. Member has stated, and then every word I have said is merely in reply to that base instrument which has attacked me so long. But if my words do apply, I mention no name, I say *qui capit ille fecit.* Let him who chooses take them up—if any man wishes to find them, and in the vulgar phrase "the cap fits him," I cannot help it. The people of Ireland are not so degraded as the hon. Member for Berkshire has suggested, that they are incapable of managing their own affairs. What is the ground, what is the pretext for saying so? Is it because they are Catholics? That is not a topic which suits this House, though it might read well elsewhere. It is as British subjects they claim their rights. Does any man contend that this measure alone will pacify Ireland? I shall not do so. Refuse it, and you create agitation, because you afford additional materials to the grievances which the people already endure: grant it, and you advance another step, for I admit you have already commenced, in giving to the people of Ireland equal rights with every other part of the empire. Why should not a measure like this be adopted towards Ireland, and which tends so much to the pacification and tranquillity of all. It is for these reasons I have risen to repudiate the speech of the hon. Member for Berkshire, and to call again for justice to Ireland.

Mr. *Walter* hoped he might be allowed to say a few words in answer to the personal charges brought against him by the learned Member for Kilkenny. In the first place he might observe, that he had not intended to take any part in the discussion of that evening, but the hon. Member for Warwickshire having risen to defend his vote, he felt it right to say a few words in defence of the course which he had taken on the Bill. With respect to the press, he had on a former occasion said all that he thought it necessary to say, and all that he should say, upon that subject. With regard to abuse, the most malignant nature could not prompt the most voluble tongue to heap more abuse upon the learned Gentleman than he himself had poured out upon those who were his present friends. In answer to the accusation of inconsistency upon the appropriation question, that inconsistency, he said, merely resolved itself into the inconsistency of others. The most extravagant estimates had been made by some hon. Gentlemen of the amount of the Irish Church revenues—one hon. Member had at one time estimated them at 3,000,000*l.* Now, he would ask, was there no difference between voting for the application of an asserted surplus, and when it was found that no such surplus existed, voting against the further diminution of a moderate Church revenue in order to create a surplus? cries of [" *Spoke, spoke,*" and " *Order.*"]

The *Speaker* said, that the House would hear the hon. Member in explanation of any parts of his speech on which other hon. Members might have commented; but having already delivered his sentiments on the question before it, it could not allow him to reply.

Mr. *Walter* submitted, that by the courtesy of the House he was entitled to reply to the personal and unfounded charges made against him by the learned Member for Kilkenny. One of the most extraordinary of those charges was that of sitting on that (the Ministerial) side of the House. When he (Mr. Walter) looked round and saw the numbers of Members who were now on that (the Ministerial) side, who two years ago had sat on the opposite side, he thought that the Member for Kilkenny, in blaming him, had cast an imputation on many of his own friends. The Ministry, it was said, was the same; but no parties had abused each other more than those who now appeared to have cast their lots together. He retained his original seat, because his opinions were unchanged; but though his opinions on things were unchanged, those on persons were, of course, affected by the closer observation he was able to make of their public conduct; and if, on such nearer observation he appeared to himself to have discovered some individuals better qualified to conduct the business of the country, than others of whose talents he had for a time entertained an undue opinion, he was of course open to conviction, and preferred the abler statesmen. He would only further assure the learned Gentleman, that he would pursue his own course in that House; having neither obtained his seat in it in the manner the learned Gentleman had formerly represented, nor receiving hire and pay from the most distressed and destitute class of his countrymen, kept in a state of excitement only to be rendered more easily the dupes of false pretences and the victims of plunder.

The *Speaker,* said it would perhaps now be convenient to the House if he stated the question which was before it. The question was, whether Bandon should be included in schedule C or not?

After a few words from Mr. F. Shaw, which were inaudible to us,

Sir *John Hobhouse* said, there had been no wish or intention on the part of himself and the friends of the Government to disturb the House by a debate upon the question now before it, which was, whether Bandon should be included in the schedule or not? and if the hon. and learned Member for Bandon had not volunteered his services in that way, he felt convinced that his hon. Friend behind him would not have found a seconder to his proposition. He regretted to see that there seemed to be a determination on the part of Members on the opposite side of the House, that whatever business might be doing, on any Irish question, nothing should be done peaceably, amicably, and according to the usual parliamentary course. There were many Gentlemen on the ministerial side of the House who thought that Ministers had not made a sufficiently determined stand upon this question. He could only assure the House, however, that whatever had been done by them, had been resolved upon after the best consideration, and with the firm and honest conviction that they were doing the best which, under circumstances, could be done for Ireland. He thought that the thanks of the country were due to the Government for having adopted a course which was likely to lead to an honourable compromise, and afford an opportunity of bringing this great question to a settlement. He regretted extremely that anything of a personal nature had occurred in the course of the debate. He would express a hope, also, that his hon. Friend behind him would see the importance of not continuing the discussion further. He trusted his hon. Friend would see the great advantage which would result from this Bill being sent up to the other House in its altered form, without any division upon it whatever. He begged his hon. Friend to consider this, and not permit himself to "listen to the voice of the charmer, charm he never so wisely."

Colonel *Butler* merely rose to say, that it was his intention to have seconded the motion of the hon. Member for Dundalk, when he was anticipated by the hon. and learned Member for Bandon in so doing.

Mr. *George F. Young*, in reference to the argument of the hon. Member for Berks, that the proposed measure of municipal reform would throw all the political power of the Corporations into the hands of one party, and that the most numerous one in the place, begged to make one observation—namely, that the political power in the new system was to be distributed, not simply according to population, but upon the basis of a property qualification. Now it happened that the property of Ireland was divided amongst the Protestants and Catholics, nearly in the inverse ratio of their numerical force, and there were at least two millions unfortunately in a state of beggary, and who, of course could take no part in the political powers created by the new measure. He had only one other observation to make upon this question. He would be one of the last men to dispute the powers and the perfect independence of the other branch of the Legislature, but at the same time he begged the House to consider the position in which this question stood. The original question mooted by the House was whether Ireland should have Corporations or not. The House of Commons declared its opinion that she ought, but the House of Lords had since said that she ought not to have these institutions. What had since been done was this. The House of Commons, which originally set down the number of the proposed Corporations at fifty, now consented to reduce them to twelve, and so showed that it had every disposition to effect an amicable compromise on the subject with the other House. If the Lords after this should persist in rejecting the Bill when sent back to them, they would show that they were not disposed to listen to any terms of compromise with the Lower House, and the country would behold them (the Lords) asserting the principle that the House of Commons had nothing to do but to yield entire and unconditional submission to their superior authority. He hoped, however, that this would not prove to be the case; he hoped and trusted that when this Bill went back to the House of Lords it would be received by them in the spirit of fair and amicable compromise with which it had been treated in this House; so would this great question eventually be settled without throwing this great, happy, and now prosperous country into political convulsions, which under different circumstances would threaten it.

Mr. *Walker* hoped his hon. Friend near him would not press the House to a division on this question.

Mr. *Scarlett* did not deny that Irishmen were fit to enjoy political liberty and political institutions; but he thought that these must be given them by different means to those adopted in England, on account of the difference in the social characteristics of the two nations. He did not mean to say, that Irishmen were inferior to Englishmen; on the contrary, he thought that, in many particulars, they were their superiors, as in their great vivacity and quickness of apprehension.

Mr. *Wallace* felt strongly the insult which was offered to the Irish people by the House of Lords; but still he hoped that his hon. Friend, for whom he entertained great respect, would withdraw his motion.

Dr. *Baldwin* said, that it was not to be supposed that he did not feel strongly the insult which was offered to his country by the House of Lords; but he trusted his hon. Friend would not bring division into the camp of the reformers by pressing a motion which was calculated to embarrass that Administration which seemed to him determined to do justice to his country. He would not argue the question; all argument upon it was exhausted; but he rose merely for the purpose of asking his hon. Friend not to persevere in his proposition.

Mr. *S. Crawford* said, he would consent to withdraw it, if he heard any just reason urged for his doing so; but in the absence of all argument in favour of the course which he was pressed to adopt, he must persevere.

The House divided on Mr. Crawford's amendment:—Ayes 8; Noes 148:—Majority 140.

On the motion of Lord J. Russell, a Committee was appointed to draw up reasons to be offered to the Lords at a conference for disagreeing with the amendments made by the Lords.

Marriages.] On the motion of Lord J. Russell, the House went into the Committee on the Marriages Bill.

On Clause 30 being put,

Mr. *Pryme* objected to it, as creating doubts as to the validity of marriages, and imposing difficulties in the way of establishing the legitimacy of children.

Dr. *Lushington* thought his hon. Friend misconceived the scope of the clause, the object of which was to confine the operation of the law (concerning invalid marriages) to as narrow a circle of cases as possible.

Dr. *Nicholls* thought the present law as to annulling marriages very objectionable, but he did not think it possible to omit the clause. It might, however, be advantageously modified, and he would lend his assistance to improve it on bringing up the Report.

Clause agreed to.

The remaining clauses were also agreed to, and the House resumed.

Bill to be reported.

Excise Licences (Ireland).] The House went into a Committee on the Excise Licences (Ireland) Bill.

On Clause 3, shutting all houses for retailing spirits from 10 o'clock at night on Sunday, until 9 on Monday morning,

Sir *Robert Bateson* regretted that the clause, which originally closed retail houses the whole of Sunday, had been altered. In that shape, it gave universal satisfaction in Ireland.

Viscount *Morpeth* would have been pleased, if he could have retained the clause in its original shape; but the representations of the magistrates and the police officers had convinced him that it was impossible, and he had been reluctantly obliged to alter it.

Mr. *Buckingham* wished that, at least, an attempt should be made to close retail spirit shops in Ireland, as they were closed in England and Scotland.

The clause, with amendment, was agreed to; as were the remaining clauses of the Bill.

The House resumed; the Bill to be reported.

HOUSE OF LORDS,

Thursday, June 16, 1836.

Minutes.] Petitions presented. By Lord Dacre, from Stanstead, for the Abolition of Church-rates.—By Earl Grey, from Newcastle-upon-Tyne, for their Lordships to reconsider the Municipal Corporations' (Ireland) Bill; and from Stanstead, for the Abolition of Church-rates.

Birmingham and Bristol Railway.] The Marquess of Clanricarde moved that the Birmingham, Bristol, and Thames Junction Railway Bill be read a third time.

The Duke of *Wellington* said, he had a clause to propose for the purpose of attaining the object which he had on a former evening explained to their Lordships. He did not understand that there was any objection on the part of their Lordships to some measure of this description being adopted. At the same time he had seen in circulation a paper signed by certain persons interested in railways, in which they set forth their objection to a clause of this nature. He conceived that it was in the power of their Lordships to attach any condition they might think it their duty to impose on any parties who came before them for powers to construct a railway or any other kind of work; and, as railways were in general a novelty in this country, and as they were now carried on to a very great extent, he thought it was expedient that Parliament should have time to consider the subject, in order that they might be able to make such regulations as might be found necessary to render them beneficial to the public, and prevent their becoming monopolies in the hands of particular individuals; for which there would be no remedy whatever except the construction of other railroads, to the great injury of private property, and the comfort and happiness of those living in the line of direction of these works. Under these circumstances, understanding, as he did, that some members of the Government, and gentlemen in the other House of Parliament, had turned their attention to the subject, and intended to bring in a Bill to enable Parliament to regulate these works to a greater extent than it at present had the power to do, he felt it his duty to propose to their Lordships to add a clause to the Bill to the following effect:—Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to the exemption of this or any other railroad from the provisions of any general Act or general Acts for the regulation of railroads, which may be passed with a view to the advantage, protection, and security of the public, before the expiration of one year from the passing of this Act, if Parliament shall be sitting at the expiration of such period of one year, or if Parliament should not be then sitting, before the end of the then next session. The noble Duke concluded by moving that this clause be added to the Bill.

The Marquess of *Clanricarde* objected to the clause, not with reference to this particular Bill, but he objected to it because he thought it was inexpedient and unjust for Parliament to introduce such a clause in any of the Railway Bills that were now in progress through Parliament. If it was necessary to adopt any measure whatever for the future regulation of railways, it ought to be made retrospective, and should apply to all Bills that had been passed by Parliament. It was ridiculous to say, that because certain Bills happened to be a few days later than others in their passage through the two Houses, therefore certain restrictive provisions should be applied to them, from which all other Bills were excepted. In point of justice, he contended that the case was as strong in favour of the Bills now pending, as if they had actually passed through Parliament. If their Lordships would turn to the Report of the Select Committee, which sat on the standing orders, with respect to Railway Bills, they would see that the Committee directly stated, that although, on examination of the standing orders, they deeply felt that some change was necessary, yet considering that all the Bills which were then pending had been introduced on the faith of those orders, they thought it advisable to make as little change as possible in any regulations by which those Bills might be affected. Large sums had been subscribed upon the faith of Parliament requiring only their standing orders to be observed, and it would be unjust now to turn round upon the parties and take advantage of the mere circumstance of their Bills not having actually passed into a law. If their Lordships adopted the clause now proposed by the noble Duke, they would hold out to the country the assurance that they were about to pass some new law respecting railroads. Whenever any such measure should be proposed, he should give it full consideration; but he must remark, that no plan had yet been so matured as to be fit to be proposed to Parliament. In the speech of Mr. Morrison, published in the shape of a pamphlet, he found a plan suggested, to which he (the Marquess of Clanricarde) had the very greatest objection. He would not, however, discuss that plan at present, but would content himself with saying, that it was most inexpedient to pledge the House to take any future steps on the subject, at a time when they were not able to say in what manner they could do so upon safe grounds. The consequence of so pledging themselves would be the putting a stop to all these undertakings for one or two years. That might be a good, or it might be an evil; but he would contend that it would be of the greatest disservice to the capitalist. There was a great mass of capital in this country that must be employed, and if it had no fair means of being employed here, it would be employed abroad. No doubt some of the speculations that were now on foot had been rashly and foolishly entered into; but all those great and useful works which were undertaken in other countries were undertaken by the Government of the country, and therefore the Government had a right to place what restraints they pleased on the mode of conducting those works; but in this country the case was quite different, joint-stock companies managed all such undertakings, and as a general proposition, those companies might be said to be most useful to the nation. He did not, however, mean to deny that every scheme to which Parliament lent its sanction ought to be well scrutinized; but he would repeat, that it was unjust to those who had embarked in these undertakings, and had entered into large contracts on the faith of Parliament, to subject them to restrictions beyond what the standing orders imposed; while it would be most unwise for Parliament to pledge itself to the adoption of a new course of legislation, without being capable of determining what that course should be.

The Earl of *Mansfield* confessed, that the clause of the noble Duke was not, in his opinion, satisfactory. It was not sufficiently definite in its object. Considering the great number of projected railways, and the vast sums of money embarked in them, he thought it very important that his Majesty's Ministers should take the matter into consideration with a view to bringing forward some plan for the regulation of these undertakings; and he hoped, if they were not able to do so this session, that they would be prepared to propose some measure for that purpose early in the next. If, however, any restrictions should be imposed that were too severe, the spirit and enterprise of the public would be checked, and this country, instead of being pre-eminent for the accumulation of capital, and the judicious employment of it, would be deserted by the capitalists, who would resort to other countries where they would be at liberty to embark unfettered in their speculations. But while he deprecated any unnecessary restraint on the one hand, still some regulation was absolutely necessary for the protection of the public on the other; nor could any moderate restrictions be fairly or reasonably opposed by the joint-stock companies themselves. Those persons claimed a monopoly upon grounds that the undertaking would not only be beneficial to themselves, but would be for the interest of the public. If so, then unquestionably the public had a right to have their interests protected, as well as the interests of the companies in these undertakings. He perfectly agreed with the noble Marquess, that the standing orders of the House were alone the guide to parties who brought forward these Bills; but he was also of opinion that those standing orders required to be modified, so that parties might hereafter know what restrictions and conditions would be required of them, and what were the terms upon which they could apply to Parliament with any hope of success. This was the more necessary in consequence of the manner in which Bills were disposed of in Committee. Things might be introduced into private Bills in Committees, which if proposed in the House would not be sanctioned. The noble Duke endeavoured last year to provide for the better attendance in Committees; but his exertions had failed to produce any material improvement; with respect to the present clause, he thought it would be better to wait for the Report of the Select Committee that was now sitting on the subject, before they adopted it. There was one other point to which he wished to advert. Many of these undertakings, no doubt, might be attended with benefit to the public, though of no benefit to the individuals embarking in them. Still when persons had obtained legislative protection for their monopoly, and had made an acquisition of property by it, the public had a right to insist that the communications which were proposed to be made should be effected within a certain period, to be fixed by Parliament. He knew an instance of a Canal Company being formed, and six miles of the canal being cut, when the undertaking was abandoned, so that the six miles of the canal was rendered totally useless, except being converted into a fish-pond. Some security ought, therefore, to be given to the public, that those communications from one part of the country to another, which was the ground of the monopoly asked for, and of the protection given, should be established and maintained, whatever might be the loss to the projectors; and this only could be done by making the subscribers responsible for a sum in addition to the amount of their own shares. He agreed with the noble Marquess, that it was perfectly impossible to apply this clause to Bills that had already been passed. Those companies had obtained a freehold, and their Lordships could not convert that freehold into a leasehold. It was an inconvenience certainly, but it was one to which they must submit. With regard to other Bills which might hereafter be introduced, it was perfectly true that there was a degree of hardship in having additional restrictions imposed on them, but it was, he believed, inevitable. One party might say, "How fortunate it was for us that these matters did not occur to their Lordships before *our* Bill was passed;" while the other party might exclaim, "How unfortunate it was that their Lordships did not slumber on for a few days more until *our* Bill had passed." What he would submit to the noble Duke was, that it would be better to postpone this clause, in order that they might apply to these Bills a positive rather than an unsettled and uncertain regulation. By the Bill as it was now framed, it would not apply in positive and express terms any greater obligation than was imposed upon the parties by the standing orders. But they accompanied it with a clause that held forth the threat of some future restrictions. They, in fact, made the measure like a pair of scales. In the one scale all the advantages were given to the projector, which were contemplated as the result of the speculation; while in the other scale they reserved to themselves the right of putting in a great additional weight, such as might counterbalance all those advantages. Because, after reading this clause, it as impossible for any one to say what it was their Lordships might hereafter be disposed to do. This clause would not give to the projectors of these undertakings the opportunity which they now had, under the positive regulations of the standing orders, of withdrawing from the concern altogether, and of weighing in their minds whether it would not be better for them to submit to the expense which they had already incurred, and abandon the undertaking altogether, than go on with it. But by this clause the parties would be variously influenced. Some would be induced to believe, that the further restrictions that would be imposed on them would be so trifling as not to discourage them in prosecuting their work, while others, less sanguine, would apprehend that the restrictions would be so extensive, that they had better abandon the speculation altogether. Upon the whole, therefore, whether their Lordships should think it right at this moment to interfere with these companies, by any positive enactment or not, he thought it would, at all events, be improper to adopt this clause.

Lord *Hatherton* said, that even if it were admitted that their Lordships had authority to introduce a clause of this kind into the Bill, still he would submit to the noble Duke, that this was not the proper time for effecting his object. It was clearly desirable that all parties who were now prosecuting Railway Bills through Parliament should have notice that a similar clause would be applied to them. They were arrived, it was true, at a late period of the session, but it was equally certain that the session must last sufficiently long to allow the subscribers to these different projects to hold meetings, in order to consider whether it would be for their interest to accept their Bills on the terms proposed by this clause. To be sure, that proposition was open to one objection—namely, that even if they agreed to accept the Bill with this clause, they would still be kept in a state of uncertainty as to what measure of restriction they would be subjected to. The question then was, whether it was right or fair, at this period, to insert any such clause. He was of opinion that their Lordships could not, with justice, insert a clause of this description. There was no precedent in the case of private Bills, where the House had enforced on the parties any regulation or restriction of which they had not been given full notice in the course of the previous session. It was impossible to entertain this Clause without adverting to the principle of the measure to which the Clause itself had reference. He thought their Lordships would be committing an act of folly to support a Clause of this description, because they would be supporting that which could have no effect. He did not agree with the noble Earl (Mansfield) that Railway Companies were likely to become monopolies. For his own part he saw no difference between a Railway Company and a Canal Company; and he should be glad to know from the noble Duke why he did not propose to apply this principle to canals as well as to railways? It was, no doubt, true that seventy or eighty years ago, when branch canals were beginning to be formed in different parts of the country, persons opposed them as being monopolies. The road trustees and the mortgagees of tolls opposed them with the greatest violence, and denounced them as monopolies. He would take, for instance, the Mersey canal, which ran through a great part of Derbyshire, Staffordshire, and Cheshire. It was stated in another place that a 50*l.* share in that canal now sold for 600*l.* No doubt during the war the profits of that canal were very great. But at the conclusion of the war, when the capital of the country was necessarily applied to projects of domestic enterprise, some parties suggested a railroad, for the purpose of competing with that canal. What was the result? The parties opposed it, and then a canal was cut between Liverpool and Manchester. But that was not all. No sooner had a new canal been cut, than a railroad was also formed, and thus three lines of communication were established; and yet this was called a monopoly. By these means the share which during the war had become worth 1,200*l.*, had been actually brought down to 600*l.* The same result would happen with respect to railroads; when they had been established fifteen or twenty years, they would be subject to a like competition, and would cease, as canals had done, being monopolies. The proposal now made was scarcely a new one. When the Manchester and Liverpool Railway Bill was first introduced, it was rejected, and Mr. Huskisson turned the matter in his mind with a view to conciliate the opposition to it. It was proposed either to limit the time of the Act or the profits of the Company. Mr. Huskisson immediately felt it would be most unjust to check a speculation of this description by endeavouring to limit the time of the Act. It was a perfectly new principle. He therefore proposed to restrict the amount of the dividends, and that the tolls should be reduced when the profits yielded more than 10 per cent. But he (Lord Hatherton) had often heard Mr. Huskisson himself acknowledge that that was a perfectly futile step, and must entirely fail, because there would always be means found for disposing of the profits, without the owners ever dividing more than 10 per cent.; so that, in point of fact, all that was gained by the measure was the passing of the Bill without further expense to the parties. It was a proposition for taxing the stock of the railway companies. If they did so capitalists would go to Brussels, and even to Paris, and invest their money where they could do so without having it taxed. He had heard it said, that lighthouses were granted only for a term; but there was no analogy between the case of lighthouses and the case of railroads. It was also said, that the interests in turnpike roads were also limited; but still there was no analogy between turnpike roads and railroads. Turnpike roads were made by gentlemen for the benefit of their own estates, and who did not mind expending 1,000*l.* or 2,000*l.* for that purpose. But, unfortunately for the noble Duke, there was a complete analogy in the case of canals and railroads; but it never had been attempted to limit the profits of canals, and therefore they ought not to do so with respect to railroads. References had also been made to the railways in the United States of North America; but then, again, there was no analogy between the two cases. The railways in America were not of the same description as this country. They were not constructed on the nicest regard to the gradients as they were here, nor were they attended with that enormous expense to obtain levels as in England. They were worked principally by horse power. They could never induce persons in this country to incur expense on these great undertakings, unless they gave them the fullest security for any profit that might result from them. He believed that the right plan for their Lordships to adopt would be, to scrutinise with great care all the projects that came before them, and unceremoniously to reject those which did not promise to confer some substantial advantage on the public. He thought their Lordships would do only that which was prudent and right, if they rejected at once all projects of this description which were not strongly recommended by convincing evidence of public utility. By adopting this course the public would be fully protected, whilst the parties more immediately engaged in the enterprise would only undergo the inconvenience of a year's delay; it being perfectly competent to them to bring the subject forward again in another session of Parliament. On the other hand, if their Lordships inserted a clause of this description in every Bill that came before them, they would be robbing the public of all that advantage which arose from competition. He, therefore, was disposed to think, that the clause proposed by the noble Duke, having reference to a measure not yet before Parliament, and of the provisions of which it was as yet impossible to form any judgment, was a Clause which could not be supported on the ground either of principle or sound policy.

The Earl of *Wicklow*, without any knowledge of the different Railway Bills which then lay upon their Lordships' table, thought that the effect of such a clause as that proposed by the noble Duke would be to paralyse the exertions of those who had embarked in those great enterprises from which, under proper regulations, so much national benefit was to be expected. At all events he felt convinced, that this must be the effect of the clause as long as the nature and character of the measure to which it was ultimately to apply, remained unknown. By adopting such a resolution, too, their Lordships must remember that they would be frustrating one of the great objects of their own Standing Orders, of which it was declared, that before any Bill in the nature of a Railway Bill should be allowed to pass through Committee, it should first be clearly ascertained, that there was a sufficient number of *boná fide* subscribers to complete the undertaking. As it was impossible that any one could know the nature of the Bill to which this resolution would hereafter apply, persons, however much they might otherwise be disposed to embark in enterprises of this description, would, whilst the uncertainty remained, be shy of becoming subscribers to any project of the kind. He, besides, conceived that nothing could be more unjust than to attach a condition of this kind to all Bills before the House, unless it were also made to have a retrospective effect, and to apply equally to all Bills which had already passed. The noble Earl (the Earl of Mansfield) who spoke from the table, said, that he thought a Committee of their Lordships ought to be appointed to give a full and fair consideration to the matter. He agreed with the noble Earl in that opinion. He thought that their Lordships should appoint, at a very early period, a Committee for the purpose of considering how, consistently with the well-being of the country, with the maintenance of private property, and the interest of the public, they could so frame and model their Standing Orders as to meet the pressing demands which at present arose out of questions of this description. Unless this were done, he thought their Lordships would incur the blame of throwing great impediments in the way of those useful measures which were now in progress through the country. He was most anxious that that House should not be supposed to throw unnecessary obstacles in the way of such measures.

The Duke of *Wellington* was of opinion, that if their Lordships appointed a Committee for the purpose of considering their standing orders, and of applying the result of that consideration to the Railway Bills then before the House, they would be adopting a much harsher measure towards them, than if they acquiesced in the clause which he proposed. The consequence of adopting the mode of proceeding suggested by the noble Earl, would be to stop all the Railroad Bills then before the House. until the result of the Committees' consideration of the standing orders should be made known. That which he proposed to their Lordships was, that they should insert into each of these Bills a clause, which should render the works proposed to be accomplished under them liable to any future general provision which Parliament in its wisdom should think fit to adopt for the regulation of all undertakings of this kind. The noble Lord (Hatherton) who spoke from the opposite side of the House, contemplated the possibility of rejecting these Bills, and of postponing the consideration of them till another session of Parliament, by which time some general provision might be adopted. But he did not desire to reject these Bills. He desired that they should go on; but since they had been before Parliament, it had been the universal opinion that some general provision should be made for their regulation. That had been the expressed opinion of the other House of Parliament, and it appeared from what had been stated by his noble Friend near him, that it was the opinion of their Lordships' House also. He asked their Lordships, then, to adopt this clause, with the view of giving the public the advantage of the future consideration of Parliament, with respect to all those vast undertakings in the shape of railways which were at present advancing. The noble Lord (Hatherton) who spoke just now, said, that there was no chance of these establishments becoming monopolies. But he thought, that the noble Lord, at the very time that he made that assertion, stated enough to show that where successful these establishments were likely to become monopolies, and, moreover, that the remedy for the monopoly would consist of that very thing to which he (the Duke of Wellington) had objected, and expressed his anxiety to avoid, namely, the construction of other roads of the same description in the same parts of the country. This was the very thing which it was one of the chief objects of his clause to prevent. He had no objection whatever to the construction of these works wherever it could be proved to the satisfaction of both Houses of Parliament that they would be useful; but what he desired was, that they might not have the country cut up in all directions by roads of this description, merely for the purpose of getting rid of monopolies, the establishment of which it should be the care of Parliament to prevent in the first instance. That was all that he wished their Lordships to provide for. He did not ask them to go into a long inquiry, or to frame for themselves regulations which might throw impediments in the way of these works. That which he asked them to do was, to provide the means of applying any regulation which Parliament, after due consideration, might think proper to adopt. Was it not better that they should adopt such a course than follow the suggestion of the noble Lord (Hatherton) opposite, and throw all these Bills over till another session of Parliament. That noble Lord had adverted to the case of the Manchester and Liverpool Railway, in which a limitation of profits was imposed by the Legislature. He (the Duke of Wellington) did not now recommend any such measure to their Lordships. In point of fact, he did not recommend any thing to them.

All that he desired was, that Parliament might hereafter have the opportunity of applying to all the Bills now in progress any general regulation which it might think proper to adopt. He said that there was a growing feeling in that House, and in the other House of Parliament, that the Legislature had gone too fast upon this subject, and that the subject did require further and more mature consideration. All that he entreated their Lordships to do was, to enable themselves and the other House of Parliament to consider the subject maturely in the course of this and the next session of Parliament.

Lord *Ashburton* thought, although the matter came before them in the shape of a private measure, that a more important subject could not occupy their Lordships' attention. As regarded the question immediately before them, he confessed that after having looked at it with the best attention he could bestow, it did appear to him to be one of very considerable embarrassment, and he certainly could not take the very positive view of it either on one side or the other, that some noble Lords seemed disposed to do. The Bills, of which a number were then on their Lordships' table, had gone through the forms of both Houses, and stood, some of them, for a third reading that night. Of their Lordships' right, even in that last stage, to insert a clause of this description, he had not the smallest doubt. Their Lordships had not only the right, but it was their duty, before these Bills were passed into laws, to adopt any course with respect to them which they thought would be just to the parties, and advantageous to the public. Parties engaged in private Bills could not be considered as having any Parliamentary pledge, or any equitable pledge of any kind whatever, for the success of their undertaking, until those Bills had been read a third time by both Houses of Parliament. It would indeed be a bad precedent for their Lordships to establish, to say that any party should have a right to speculate, or to rely on what the decision of Parliament should be until that decision was finally given. But with regard to the present subject, Parliament stood in this position—that having passed some of these measures, scruples came over the other branch of the Legislature, as to whether the public were sufficiently protected against monopoly, or something else which might operate prejudicially; and a sort of reliance was thrown upon their Lordships for the adoption of some general provision, by which those anticipated evils might be avoided. He apprehended, therefore, that, if their Lordships read these Bills a third time without coming to some conclusion upon the point, the Commons would think that they had not given to the subject the consideration which its great importance demanded and required. He totally differed from the noble Lord (Hatherton) opposite, when he stated that there was no precedent for the insertion of a restrictive clause in measures of this description. He thought that a precedent was to be found in the very Bill to which the noble Lord had referred—that under which the Liverpool and Manchester Railway was constructed. In that Bill Mr. Huskisson introduced a clause to limit the profits. [Lord *Hatherton:* With the consent of the Company.] The Company were not brought very voluntarily to give their consent to a restriction of that kind. The Company certainly would not desire a clause of that description; and if they were induced to give their consent to it, he fancied there must have been exercised some strong persuasion, or perhaps even a little gentle enforcement. He thought, therefore, he might take the Manchester and Liverpool Railway as an instance in which a precedent was established for the insertion of a restrictive clause. The question for their Lordships to consider was, whether it were wise and prudent to insert into all Bills a clause of that description. He (Lord Ashburton) had a very strong feeling, not only that it was not the duty of Parliament to check the spirit of adventure in works of this nature, but that it should give every encouragement that a Legislature could give to the enterprise of the country, consistent with a due regard to the security of private property. When he first read the clause proposed by the noble Duke, it appeared to him to be most unobjectionable; but the difficulty attending it was this, that it would create uncertainty and doubt in the minds of those who had embarked in works in which the whole country might now be said to be interested. The clause imposed no specific restriction which the adventurers could know and understand before their works were commenced; but rendered them liable to any restraint which Parliament, in the course of another year, might think fit to impose. This would have the effect of deterring parties from investing their capital in works of this description until the ultimate determination of Parliament were made known. He therefore thought that their Lordships should appoint a Committee to clear the matter up, and to hear the opinions of the parties who had suggested the necessity of this precaution. He thought that a Committee, sitting eight or ten days, would as satisfactorily settle the question as their Lordships could possibly do, by leaving it to be bandied about from this time till the next Session of Parliament. He thought it would be fairer to the parties, and more beneficial to the country, to give eight or ten days to a thorough sifting of the matter, than to leave it in a state of uncertainty for another year. To any limitation of time, he thought there would be many objections, but he saw none of the same reasons for objecting to a limitation of profits. The noble Lord (Hatherton) had stated, that the provision for limiting the profits of the Company in the case of the Liverpool and Manchester railway had been constantly evaded; but that must have been from the awkwardness of the manner in which the clause was framed. Any person of ordinary capacity, he thought, would be able to frame a clause which should be effectual. This, he thought would be a fit matter of consideration before a Committee. Then the noble Duke had stated a difficulty, and a very serious one it was—namely, that of having the country cut up by a variety of railroads running between the same places. This, again, was a fit subject for inquiry and consideration. Under all the circumstances, therefore, he thought it would be their Lordships best course to appoint a Committee, which would not sit more than eight or ten days, for the purpose of determining upon some general regulation which should be applicable to all Bills of this description. By adopting that course their Lordships would remove all the doubt or apprehension which would naturally exist in the minds of the parties engaged in these undertakings as long as they were rendered liable to some ulterior measure, with the provisions of which they were wholly unacquainted.

Lord *Kenyon* thought it would be most unjust that their Lordships should apply any restrictive clause to the Bills now in progress which was not made equally applicable to all Bills of the same description which had already passed. He had great doubt as to the good policy of the clause proposed by the noble Duke. The subject was one which undoubtedly ought not to be hastily determined upon, and he therefore trusted that the Government would take it into their serious consideration.

The Marquess of *Lansdowne* would endeavour, in as few words as possible, to state the grounds on which he did not feel inclined to oppose the motion of the noble Duke. Although the matter came before them in the shape of a private Bill, he was not surprised, seeing the important view in which it had been taken up by the noble Duke, that it had attracted the general attention of the House, and been considered, as indeed it was, a public question of the first magnitude. He therefore was extremely glad to perceive the general attention which had been paid to it. Although the resolution proposed by the noble Duke contained some few words which he (the Marquess of Lansdowne) would rather see omitted, yet he must say that, looking at the general terms in which that resolution was framed, he did not perceive a design on the part of the noble Duke (nor did he think that there ought at that moment to be a design entertained by Parliament) to limit the parties engaged in these undertakings, in any one respect, with a view to any future enactment on this subject. He did not understand that the noble Duke wished even to prejudge so much of the question as might apply to the Bills which had not yet passed into a law. If there were any advantage to be gained by undertakings of this kind, which had already been completed, not being subject to any proposed new law which might be enacted upon the subject, he confessed he should not grudge to them any advantages they might gain from the exemption. He regarded these early undertakings as pioneers in the march of improvement, and in the advances of measures of public utility, necessarily encountering risks greater than any that could attach to those which followed after them, and consequently well entitled to any advantage which the comparatively different state of the law at the time they were undertaken might afford them. But when he said, that he did not grudge to those earlier undertakings any advantage they might possess, he did not mean to admit that by any new law that Parliament might adopt, any material disadvantage would be thrown on the undertakings now in progress, or under the consideration of the Legislature, or even that they might not derive a distinct advantage from the new regulations which the Legislature might adopt. It was on that account that he confessed he should rather see some of the words introduced by the noble Duke in his motion omitted, and that the clause should confine itself merely to this—that the parties should continue subject to any general Act or Acts for the regulation of railroads, &c., omitting the words, "with a view to the protection, advantage, and security of the public." It was possible, he thought, that these words might be interpreted out of the House in a way to create alarm in the minds of persons about to embark in such undertakings; and this assertion applied particularly to the word "advantage," because it might be stated that it would be for the advantage of the public that the tolls on railroads should be reduced to a degree which would entirely deprive the proprietors of the fair and just remuneration which they would have a right to expect. But to make all railways subject to any provision or regulation which the interests of the public might demand, and which, in fact, might be taken as including the interests of the Company also, he could not conceive the slightest objection. He was well aware of the immense advantage which the rapid mode of transit presented by railways afforded to commerce and manufactures; and he was sure Parliament would pause before it did anything to deprive the public of the advantage to be gained from such undertakings. He did not see that a railroad could in any way be compared with a turnpike road; they were, in fact, entirely different. The public could enter upon a turnpike road, and take possession of it at once; but how could the public take possession or make use of a railroad? Railroads were also different in their nature from canals; for on the latter the public were their own carriers. Still he thought it desirable that Parliament should take precautions to prevent the locking-up of a railroad, which might happen to be, in the particular district where it was placed, the best possible means of intercourse. He did not mean to discuss the measure, which, it was understood, would be introduced in another place; but he was glad to have the opportunity of stating that, in his opinion, such an enactment should not insist on certain periodical revisions being made. It would be unjust to throw upon the parties engaged in railroad undertakings the burden of getting Acts of such a nature passed into law. The Acts ought to be considered as public instead of private, and there ought to be some competent authority to judge whether within a given time a revision ought to be instituted with reference to the public interest.

Lord *Wharncliffe* trusted, that whatever general measure might be passed, it would apply to the railroads which had already been sanctioned by the Legislature, otherwise great injustice would be done to those who had engaged in new undertakings.

The Earl of *Winchilsea* thought the House ought to feel indebted to the noble Duke for the proposition he had made. The subject was a most important one, for not less than 60,000,000*l.* was embarked in railroad speculations. He was of opinion that some steps should be taken to protect the interests of those Gentlemen who were obliged to give up their property to enable these railroads to be formed, and who sometimes suffered considerably in consequence of the undertaking not being completed.

The Marquess of *Londonderry* thought that railroads forming under Bills which had already passed, ought to be subject to the operation of any general measure which might be introduced. The object of the present Bill was to extend the Birmingham and London Railroad into the heart of the city, and unless the general measure which had been alluded to had a retrospective effect, the consequence would be, that one portion of the railroad would be subject to its operation, while the remainder of the line would be entirely exempt from it.

The Duke of *Richmond* took the present opportunity of observing, that one of the great grievances of which the public had a right to complain was the manner in which railroads were first undertaken. The House could not but be aware that the first step taken by the promoters of any railway was to apply to the great landed proprietors, and if they opposed the undertaking, their lands were purchased at more than ten times the value, and they then became supporters of the proposed railroad, while the small occupiers were compelled to take the promoters' price. He thought that some alteration ought to be made in the standing orders, to the effect that, previous to the third reading of such Bills, the promoters ought to state to the House the agreements entered into between them and the land-owners whose property was affected. If this were done, it would be seen that agreements for purchases had been made by them at sixty and seventy years' purchase. While he did not think it right now to interfere with parties who had expended between 50,000*l.* and 60,000*l.* on the faith of the standing orders and practice of Parliament, he should support the proposition of the noble Duke, and he should at the proper time also give his support to the motion of the noble Marquess (Salisbury) for the appointment of a Committee on the subject.

Lord *Ellenborough* trusted, that he never should give a vote that was not founded on equity, and he felt satisfied that he was not acting contrary to equity in giving his support to the proposition of the noble Duke near him (the Duke of Wellington). He saw a great distinction between Bills which had passed, and Bills which were to be passed, and he was convinced that it was infinitely better for the country that compensation—monstrous in amount as it might be—should be given, rather than that the faith of Parliament should be compromised. Noble Lords seemed to forget that there were always two parties to measures like the present—the promoters of the work, and the parties whose property was to be affected and injured, and it was for the protection of their interests and those of the public that he (Lord Ellenborough) acquiesced in the proposition of the noble Duke. It was said, that railroads had been most beneficial in manufacturing and commercial districts. He would not attempt to question that assertion, but simply ask what would be their effect in agricultural districts? There they would cut off the present easy means of communication; they would form an impassable torrent, an Alpine mountain of difficulty in that respect, and the parties whose lands were intersected would be compelled to come to Parliament for private Bills to enable them to construct and open new means of communication to the various parts of their lands. The promoters of this Bill received a boon by its becoming law, and the clause proposed did nothing more than intimate to them that the boon conferred was to be accompanied by restrictions.

The Marquess of *Clanricarde* said, he would not withdraw his opposition to the clause proposed by the noble Duke. He stood upon the faith of the standing orders, upon which the promoters had relied.

The House divided on the question that "the clause be inserted," when there appeared, Content 33; Not Content 15: Majority 18.

List of the NOT-CONTENTS.

Dukes.
Richmond.
Marquesses.
Clanricarde. (Lord Somerhill.)
Earls.
Burlington.
Chichester.
Dartmouth.
Mansfield.
Radnor.
Rodney.
Scarborough.
Wicklow.
Lords.
Glenelg.
Hatherton.
Kenyon.
Teynham.
Bishop
Exeter.

Clause added, Bill read a third time, and passed.

HOUSE OF COMMONS,

Thursday, June 16, 1836.

MINUTES.] Bills. Read a third time:—Fisheries; Cinque Ports.

Petitions presented. By several HON. MEMBERS, from various Places, for the House to Adhere to the Provisions of the Irish Municipal Corporations' Act as originally passed by them.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).—By several HON. MEMBERS, from various Places, against the Factory Act Amendment Bill.—By Mr. W. J. DENISON, from Dorking, for a Mitigation of the Criminal Laws.—By several HON. MEMBERS, from various Places, for Abolition of Church-rates —By the ATTORNEY-GENERAL, from Edinburgh, for the Abolition of Annuity Tax.—By Mr. BETHELL, from Mapleton, in favour of Common Fields' Inclosure Bill.—By Major BEAUCLERK and Mr. KEMP, from Horsham and Chichester, for Amendment of New Poor-Law.—By Mr. BROWN, from Newportpratt, for Introduction of Poor-Laws into Ireland.—By Sir CHARLES KNIGHTLEY, from Places in Northamptonshire, against Turnpike Trusts' Consolidation Bill.—By Mr. S. CRAWFORD, from Drumlee, against the Sale of Spirits by Grocers (Ireland).—By several HON. MEMBERS, from various Places, against Municipal Corporations' (Scotland) Bill.—By Mr. LAW HODGES, from Dartford, for Repeal of the Duty on Spirit Licences.—By Sir R. BATESON, from Colerain, in favour of the Municipal Corporations' Bill for Ireland, as passed by the Lords.

LIGHT-HOUSES (SCOTLAND).] Mr. *Cullar Fergusson* rose to present Petitions from the landholders and commissioners of supply of the stewartry, and from the merchants, shipowners, and mariners of the port of Kirkcudbright, complaining of the want of lighthouses on the Scotch side of the Solway Frith, whereby numerous shipwrecks and great loss of life were frequently occasioned on that coast. The matter complained of was a great and crying grievance in that part of the country. There was only a single lighthouse from the Mull of Cantyre to the coast of Dumfries, and the whole of that navigation was of the most perilous description, being along a rocky shore, upon which shipwrecks were extremely frequent. For the last thirty-five years those who were interested in the stewartry had endeavoured to obtain the erection of a lighthouse on the island of Little Ross, and since he had come into Parliament, he had made representations for that purpose to the Commissioners of Northern Lights, on grounds that he conceived it impossible to resist. They were resisted, however, and on grounds that it appeared to him impossible to sustain. The Commissioners took great credit to themselves for having established a lighthouse at the Mull of Galloway, but in consequence of an intervening headland, that light was not of any use to vessels navigating along the coast of Kirkcudbright. During the last year four vessels had been lost there, two of them with all hands on board, and of the crews of the other two a considerable portion were drowned. If there had been a light on Little Ross Island, this loss of life would not have occurred. There had been sixty-six vessels altogether lost on that part of the coast during the last thirty years, and he could state, on the best authority, that the establishment of a lighthouse on the spot he had named might have averted to a great extent, if not entirely, such a destruction of life and property. A lighthouse could be constructed there for 1,400*l.*, which was scarcely one-tenth of the amount of the cargoes of some of the ships lost there. He did not desire to cast any reflections on the Commissioners of the Northern Lights—they were all most respectable gentlemen; but he must question the constitution of that Board. Of course the House supposed that it was mainly composed of scientific persons and of mariners. There was not, however, a single individual of either class upon it. It was composed of Edinburgh lawyers, and of the sheriffs of certain maritime counties in Scotland, and the Commissioners were entirely led by the judgment of their engineer. That gentleman had not done his duty towards the county which he (Mr. Fergusson) represented. From 1820 up to the present time his consttuents had never been able to obtain an answer to their request that a lighthouse should be established on Little Ross Island. The reply to them now was, that the harbour there had been surveyed by the engineer of the Board, and that he had reported that it was dry at low water. Now what was the fact? In this very harbour King William rode for several days, with all his fleet, on his way to raise the siege of Drogheda. Hundreds of vessels have been seen riding there in safety, and if the engineer had consulted any mariner on the spot, he would have told him that at the lowest ebb there were from three and a half to four fathoms water in the harbour. He had been informed by a most respectable resident in Kirkcudbright, that the engineer arrived there on a Sunday, went to Little Ross Island, merely looked at the harbour, and without asking a question of a single mariner there, and without taking soundings, left the place. The harbour was, in fact, one where vessels coasting from Ireland to Cumberland, Dumfries, and Kirkcudbrightshire, could ride with perfect safety, and the light was asked for it as a harbour of refuge. He might be asked what could the House do? It could legislate on the subject, and by a Bill compel the Commissioners to do their duty.

The *Speaker* interrupted the right hon. Gentleman, and reminded him that it was one of the regulations of the House not to go into a discussion on a Petition relating to a matter that had been, or would be, made the subject of a specific motion.

Mr. *Cutlar Fergusson* said, that in that respect the regulations of the House were changed since he had come into it. He still thought that petitioners had a right to have their case stated, though they might not have a right to have a debate upon it. He now gave notice, that on Thursday next he would present these petitions, and move for papers on the subject.

The *Speaker* said, that he was bound in duty to enforce that which had been laid down as the general understanding of the House.

Petition withdrawn.

IMPROVEMENT OF THE METROPOLIS.] Mr. Alderman *Wood*, in introducing his motion for a Committee, to consider of the improvement of the metropolis, said that he understood there were many streets in the city of London, and other quarters of the metropolis, which were almost impassable from their confined breadth, and the crowd of carriages which blocked them up, and that it was absolutely necessary to widen them in several places. One of the principal objects of the Committee would be, to consider of the best means of procuring a remission of the tolls at Waterloo and Southwark bridges. These tolls were a source of great annoyance and expense to many labouring men who were obliged to seek employment in Southwark. He calculated, that to carry into effect the various improvements which he proposed, would require not less than 1,000,000*l.* To repay this sum, he would propose to levy an impost of 6*d.* a ton on coals, which would bring a return of more than 50,000*l.* a year. He proposed to form a new street from Southwark-bridge to the Bank of England, which would be very convenient for persons coming from the west-end into the city; another from Waterloo-bridge to the North-road; another from the Bank through Lothbury to the Post-office; another from the Post-office to Smithfield; another from St. Paul's to Blackfriars-bridge; another from Holborn to the Strand; another from Westminster-abbey to Belgrave-square; and also one of considerable size passing through Southwark. The hon. Member concluded by moving for a Select Committee to consider of the most effectual plan for raising of money to carry into effect the necessary improvements required in the cities of London and Westminster, borough of Southwark, and counties of Middlesex and Surrey, and for the purchasing of the interest of the proprietors of the Waterloo and Southwark bridges, that they may be thrown open for the use of the public, free from toll.

Mr. *Hume* hoped, that when he seconded the motion of the hon. Member, he might not be understood as consenting to his proposal for raising the money by a continuance of the duty on coals. No one could visit the city of London without being made aware of the great importance of the communications being facilitated, as the loss of time and annoyance experienced from the present condition of the streets was incredible. He thought the success which had attended the plans of the hon. Member on former occasions, entitled his projects to be fairly considered at present.

The *Chancellor of the Exchequer* trusted that the hon. Member did not contemplate drawing upon the public purse in aid of the objects he had in view.

Mr. Alderman *Wood* replied, that that formed no part of his plan.

Sir *Robert Peel* hoped that a very enlarged and comprehensive view of the subject would be taken. They were now in the same situation with respect to improvements in the Metropolis in which they had been placed with regard to railways when those great national undertakings were first projected. When railways were first planned, perhaps the fittest course would have been to appoint a commission of able practical men, to survey the whole of the country adjoining the proposed railway, and lay down the course of the main line of road; but now they were so far advanced, that it was almost too late to legislate on comprehensive principles with respect to them. He hoped that nothing would be done with respect to the remaining improvements of the Metropolis till the various plans proposed had been impartially considered, that due foresight would be used as to the probable extension of the Metropolis, and that not only the present, but the future, convenience of the public would be consulted. It was manifest that very great improvements might be effected, and he hoped that Government would not hesitate to consent to a temporary advance of the public money, if that should be necessary. He did not mean to say, that the public should sustain any loss; he had always maintained that the Metropolis had no greater claim on the public funds than the rest of the empire; but if great benefit could be secured to the Metropolis by a temporary advance on adequate security, he thought that would be a perfectly legitimate application of the public money. He thought that if it were possible to appoint a commission in which the public might have confidence, to take an enlarged view of the question, such a step would be very desirable.

Mr. *O'Connell* moved, as an amendment to the motion, that the said Select Committee do inquire into the state of the law relative to Lotteries, foreign or otherwise, in which schemes have been advertised or circulated, or tickets or shares disposed of, in the United Kingdom, and to report their opinion thereon to the

House, and whether any and what alteration in the law be desirable, or if the resumption of State Lotteries for national purposes, under the control of Government, be advisable. Every hon. Member, he said, must be aware, that notwithstanding the law condemned Lotteries, such schemes, both foreign and British, were openly carried on, and advertised in every newspaper. The law prohibited the sale of tickets, but not the purchase of them. It was notorious that a drain of money from the country to the amount of at least 200,000*l.* yearly took place owing to these speculations. If there was any necessary immorality in Lotteries, the House ought not to permit them for one moment, and when he considered that no Member of that House could move from his residence at night without meeting twenty or thirty gambling-houses open in his way, he thought there were ample grounds to induce them to entertain this question.

Sir E. Codrington seconded the amendment.

Mr. *Hume* submitted to the hon. and learned Member for Kilkenny, that this was a proper subject for the investigation of a separate Committee. There was no sort of connexion between the two objects proposed [*hear*], and he thought the two inquiries might easily be conducted so as not to interfere with each other.

The *Chancellor of the Exchequer* was very glad that the subject of Foreign Lotteries had been introduced. His attention had been lately directed to the question, and he was engaged in preparing a Bill, which he believed was calculated, in its operation, to redress some portion of the evils which were complained of regarding them. He should introduce it in the course of a few days, and the House would see whether it answered that purpose. If it did not, he should support the reference of the Bill to a Select Committee. Undoubtedly, the evils to which these speculations gave rise called for an immediate remedy.

Mr. O'Connell would not press his amendment.

Original motion agreed to.

REGISTRATION OF VOTERS BILL.] On the motion of Lord *J. Russell*, the Order of the Day for the further consideration of the Report on the Registration of Voters Bill was read, and the Bill recommitted.

Clauses 1 and 2 were agreed to.

On Clause 4, for establishing a Court for the Revision of the List of Voters, the Court to consist of not less than twelve Barristers, to be appointed by the Speaker, vacancies to be filled up by the Lord Chancellor,

Mr. *Wakley* moved, that the words "His Majesty" be substituted for the words "Speaker of the House of Commons," and "Lord High Chancellor."

The Committee divided on the original clause—Ayes 58; Noes 38: Majority 20.

Mr. *Maclean* moved, that the Barristers be required to have practised three years below the bar, and three at the bar.

The Committee divided on the amendment, Ayes 113; Noes 2: Majority 111.

On the question that the clause as amended stand part of the Bill,

Lord *Granville Somerset* observed, that there was a very important matter to be taken into consideration, namely, the time which would be taken up in effecting the registration. The Bill proposed that every district should have the registration effected once in each year. Now, he had found that last year 475 days were taken up in completing the registration. The hon. Member opposite might reply that that was an extraordinary year; but he would take the two years preceding, which were not extraordinary, and the average number of days occupied in the registration was 323, in which computation Sundays were not included. It was evidently a physical impossibility that the number of Barristers to be appointed could perform this duty, and he should therefore divide the Committee against the clause.

Mr. *Warburton* contended, that every question must be decided by the balance which appeared between conveniences and inconveniences. He did not agree with the noble Lord in thinking that so much time would be consumed in the registration as had been wasted under the old system, owing to the incompetency of the tribunal which had to decide on questions relating to that subject.

Sir *W. Follett* said, that in his judgment, it was not so much a matter of importance whether the number of Barristers was large or small, as whether the appointment should be vested in the Government. He had a strong objection that the Revising Barristers should be creatures and nominees of any Government. It was objectionable in the highest degree to invest the Ministers of the day with the power of appointing officers filling such important stations as these Barristers, who had a power of deciding on the validity of all the voters in every town and county in the United Kingdom. This was too dangerous a power to be thus flippantly bestowed. The House, in adopting the clause, would be acting with gross inconsistency. In cases of petitions against the return of Members at contested elections they did not leave the matter to the decision of the Ministry, nor even to the decision of a majority of that House; but they required a Select Committee appointed by the Ballot. The proposition of investing the Ministers with so tremendous a power as the nomination of Commissioners, on whose decision the elective franchise all over the Kingdom was to be in most cases decided, was so objectionable and unconstitutional, that he should support the proposition of the noble Lord if he pressed for a division.

The Committee divided on the clause,—Ayes 88; Noes 55: Majority 33.

Clause as amended agreed to.

Clause 6 was agreed to.

On the question that Clause 7 stand part of the Bill,

Mr. *Goulburn* said, that by this clause, if the Revising Barrister should be taken ill, a Deputy was to be appointed. Now, was it intended that they, having enacted that the Revising Barrister himself should be prevented from sitting in Parliament for any borough, city, or county, for which he had revised the list, that the Deputy to be appointed should be placed under the same restriction?

The *Attorney-General* considered that they ought to be placed on the same footing with the Revising Barristers themselves, and it would be necessary to introduce a proviso to that effect.

Sir *James Graham* begged to enter his protest against the propriety of vesting the appointment of Revising Barristers in the officers of the Crown.

Mr. *Jervis* cited, in justification of the proposal, the case of the Welsh Judges, who, until within a few years, had always been appointed by the Crown, upon the same principle that it was proposed now to adopt with reference to the Revising Barristers.

Sir *James Graham* remarked, that the precedent put forward by the hon. Member for Chester was an unfortunate one, inasmuch as the manner of appointing the Welch Judges had long been a theme of general and deserved reprobation, and in consequence of the objections that have been raised, the practice in that respect had been altered.

The *Attorney-General* begged to remind the right hon. Baronet, that there was a wide difference between the cases of the Welch Judges, as formerly appointed, and that of the Revising Barristers to be appointed under this Bill—namely, that the Welch Judges did sit in Parliament, which gave rise to the charge of political jobbing as against them, while the Revising Barristers were expressly incapacitated from holding seats in Parliament, not only for the time being, but for a period of eighteen months, after being employed in that capacity, in respect of the places for which they had revised the lists, whether city, borough, or county.

Sir *Frederick Pollock* begged to ask if no jobbing could be done unless the parties had seats in that House? If it was considered necessary to exempt certain individuals from sitting in that House, was it not sanctioning a much worse principle, to say that persons under the influence of the Crown should have the power ministerially to decide the question as to who should sit in that House?

Mr. *Charles Buller* was strongly disposed to join in the objections that were taken to this clause. It certainly was a most extraordinary principle that the Revising Barristers were to be appointed by one person, while the substitutes for the Revising Barristers, when a necessity arose for their appointment, was to be appointed by another, who could not be so well acquainted with their fitness as he whom they had excluded.

Mr. *Maclean* contended that the Lord Chancellor might appoint a person as a supernumerary Revising Barrister, who might not be of more than two or three years standing; and the scale of payment of these individuals was to be determined by the Lord Chancellor; he was to award what he should deem meet. He had great objection to lodging this power in the hands of the Lord Chancellor.

Mr. Warburton had no objection to postpone the clause.

Clause postponed.

On the question that Clause 11 stand part of the Bill, the Committee again divided—Ayes 107; Noes 67: Majority 40.

Clause agreed to.

On its being proposed to consider Clause 18, there were calls for "Mr. Brotherton," Mr. *Brotherton* rose, and said that he owed an apology to the House for not persisting on a former night in his motion for an adjournment of the House at twelve o'clock. He had submitted, however, on that occasion, to a power which he felt that he was not able to resist. He had not undertaken the task of moving the adjournment at twelve o'clock at night from any unworthy motive—from any morbid love of notoriety—he had undertaken it because he felt that the system of midnight legislation was not only injurious to the health of hon. Members, but was also highly prejudicial to the interests of the country, and to the sober and deliberate judgment which those interests imperatively required. He desired on all occasions to act impartially, and he hoped that he had done so. He was sorry, however, to observe that there seemed in certain quarters to be a desire to break through the very wholesome regulation on this subject, to which the House agreed at the commencement of this Session. He therefore felt himself called upon not to give way to-night, and he should therefore move, that the Chairman do now report progress, and ask leave to sit again.

Mr. *Warburton* thought, that the hon. Member for Salford had not fairly stated the regulation to which the House assented at the commencement of the Session. The understanding then was, that no new matter should be commenced after twelve o'clock, but that was not to prevent the matter in hand at that hour from being brought to a conclusion. He considered that the hon. Member, in making his present motion, was guilty of a decided breach of the understanding which had formerly been made between him and the House.

Mr. *Shaw* said, that he had never understood that the hon. Member for Salford had consented to let business go on till three or four o'clock in the morning, because it had commenced before twelve o'clock at night.

Mr. *Praed* expected the hon. Member for Salford to persevere in his Motion; and reminded him that he had frequently moved the adjournment of the debate when a new Speaker rose at five minutes past twelve o'clock.

Colonel *Sibthorp* said, that if the hon. Member for Salford felt any hesitation in pressing his motion, after what had fallen from the hon. Member for Bridport, he would take upon his own shoulders the responsibility which the hon. Member declined, and would move that the Chairman do now report progress.

Mr. *Aglionby* was not aware that the House had ever come to any understanding on this subject with the hon. Member for Salford. For himself, he had not been a party to any such understanding, nor would he now. He would not let the hon. Member for Salford be the sole judge whether the House ought or ought not to sit after twelve o'clock. He should certainly divide the Committee on the question of reporting progress.

The Committee divided on the motion for reporting progress.—Ayes 39; Noes 85—Majority 46.

Colonel Sibthorp moved that the House do adjourn.

Sir *John Hobhouse* hoped that this motion would be resisted. If the House determined not to sit later than twelve o'clock at night, hon. Members must make up their minds to continue sitting to that hour till the middle of September. He, therefore, hoped that hon. Members would not obstruct the public business by making motions of this kind. He denied that Government had ever come to any understanding with the hon. Member for Salford on this question.

Mr. *Wallace* said, the hon. Member for the University of Dublin himself spoke frequently fifteen or twenty times after twelve. For his part he never did and never should adhere to the rule of adjourning at that hour. It was departed from almost every night. He did not wish to make any harsh observations upon the course pursued by the hon. Member for Salford. No hon. Member ought to be permitted to dictate to the House what was or what was not important business, or prescribe a time for closing their discussions. They were sent there to do the public business with the greatest possible speed. He must remind the hon. Member for the University of Dublin, that while that hon. Member was absent in Dublin, in the discharge of his duty, he and others must be in that House at all times during the Session. It might be very convenient for hon. Members to concur in a motion for adjournment, who were not in their places all day watching the public business. Were they, after proceeding so far with this important Bill, to give it up at so early an hour as twelve?

If this rule were to be observed, they must meet at twelve at noon, or the business of the Session could not be gone through.

Mr. *Brotherton* would take with calmness the observations of the hon. Member for Greenock. He had never pretended to make himself a judge on this matter, and as a proof of it, he would appeal to the House whether he had ever divided it before to-night on the question of adjournment.

Colonel *Sibthorp* observed, that though the hon. Member for Greenock had alluded to the hon. Member for Salford as "the guardian of the night," he had never yet been under his control; and if the hon. Member for Salford intended to vacate his present post, he was prepared to take possession of it. He was determined to take the sense of the Committee again on the question of adjournment, and he hoped that hon. Members would support him in so doing.

Mr. *Shaw* reminded the House that the understanding with the hon. Member for Salford, which his Majesty's Government now repudiated, was a compromise made with a certain party in that House. He was sure that hon. Members could not have forgotten that the hon. and learned Member for Kilkenny had given notice that he should move the adjournment every night at ten o'clock, but that promise, like several others from the same quarter, had never been performed.

The *Chancellor of the Exchequer* said, it was quite clear that the continuance of such desultory conversation tended only to exhaust the patience of the House, without advancing the business of it in the least degree. That the Bill before them was of importance no one denied, and that it was one of exigency, in point of time, was equally admitted. It had been re-committed a third time, and, therefore, it remained to be shown by hon. Gentlemen who knew that they were a minority, whether they would interrupt public business, not for the purpose of reserving points upon which a difference of opinion was likely to arise—because he was willing to reserve any such points—but for the purpose of retarding the business of the House. We say, that with a view to give the people of England a remedy for admitted evils, let us proceed with the points upon which we are all agreed.

Mr. *George F. Young* did not wish to impede the business of the House, but his experience had convinced him that the business was always unsatisfactorily conducted at late hous.

The Committee divided on the question of adjournment—Ayes 30; Noes 83—Majority 53

Clause 18 was then agreed to.

On Clause 19 being put,

Colonel *Perceval* begged leave again to move, that the Committee do adjourn.

The *Chancellor of the Exchequer* entreated the House to go through those clauses to which no objections were taken, and postpone the rest to another evening. It was not wished to entrap hon. Gentlemen into an acquiescence to clauses against which they entertained any objection. But if they would oppose clauses now, to which they would at another hour assent, why then let the country understand that such was the spirit in which these hon. Gentlemen were prepared to legislate.

Colonel *Perceval* said, that a great number of Gentlemen, who were the best informed upon the subject of this Bill, and on whose judgment he and his friends placed implicit reliance, were gone home, upon the understanding, that the proposition which was made at the early part of the Session for adjourning the House at twelve o'clock, would be adhered to. He did, therefore, feel it his duty, under those circumstances, to persevere in his endeavour to prevent the Bill going on any further to-night.

Sir *John Hobhouse* would ask, whether anybody could deny that the opposition now offered by gentlemen on the other side of the House was not a most fruitless, injudicious—he would not call it unfair, because nothing was unfair in that House,—and most unfounded opposition. If those respectable Gentlemen, who so well understood the provisions of the Bill, were gone away, still he begged leave to say, that many Members who had taken part in the debates upon the Bill, and who seemed to understand its details were still present. There were the hon. Member for Oxford, the hon. Member for Yarmouth, and the hon. and gallant Member for Lincoln—a wise gentleman in his generation—all those who seemed to understand the subject best, still remained. If public business was to be impeded, let it be understood by whom it was so impeded, [*laughter, amidst which, the laugh of Col. Sibthorp was distinguishable.*] "There is a well-known Latin proverb," continued the right hon. Baronet, "which rendered into English, signifies, that 'nothing is so foolish as a foolish laugh.' It is more foolish, I think than agitation is. The hon. and gallant Gentleman has been kind enough to say something of its being the wish of the Government to postpone public business. He must, on consideration, know, that that is not our intention."

Colonel *Sibthorp:* As what passes in this House afterwards finds its way out of the House, nothing ought to pass within it which would not be suffered to pass unnoticed out of it. If the right hon. Gentleman wished to say anything which was personally offensive to me—I ask the right hon. Gentleman to state whether such is his intention? After a few more words, which were not heard, the hon. Member resumed his seat, and immediately afterwards left the House.

Mr. *Maclean:* The right hon. Gentleman, in the course of his address to the House, was good enough to use my name. Before he did that, he said that those respectable Gentlemen who understood this question had left the House, laying some little emphasis on the word respectable. I presume the right hon. Gentleman did not mean to imply that those whose names he mentioned were not properly designated by that term?

Sir *John Hobhouse* begged to deny, in the most express manner, any intention to make the slightest possible reflection on the hon. Gentleman; and if he had said anything which was the least injurious to the hon. Gentleman, or which in any degree was hurtful to his feelings, he begged to express his sincere regret that any such unintentional circumstance should have happened.

Mr. *Rigby Wason* said, that the only way to put an end to this discussion was by forty members putting down their names, and declaring that they would remain there till six o'clock in the morning, in order to go through the business of the House.

Mr. *Bonham* hoped the House would not be deterred by any threat from doing its duty.

The *Chancellor of the Exchequer* said, it was an important question and ought to be treated with calmness. If hon. Gentlemen would not allow the business to go on, undoubtedly they had the power to prevent it. He had hoped that the mode that he had before suggested would have been adopted, but as that was not the case he could only advise his hon. Friends not to waste their time by raising their voices any longer against adjourning the further consideration of the Bill, by using their power of resisting, as hon. Gentlemen opposite did of proposing, that course. All the gain would be on the side of hon. Gentlemen opposite; therefore he was not disposed to enter into a contest which must end unprofitably. He should accordingly move that the Chairman report progress, and ask leave to sit again.

Question agreedto.

The House resumed.

Mr. *Bernal* (The Chairman of the Committee) begged to acquaint the Chair, that certain words had passed between the hon. Member for Lincoln (Col. Sibthorp) and the right hon. Member for Nottingham (Sir John Hobhouse), in the progress of the Committee whose proceedings he had just reported, on which false constructions might be put; he therefore considered it his duty to report the fact to the House. It would be for the right hon. Gentleman in the Chair to take that notice of it which he should deem necessary.

The *Speaker:* Are the hon. Members in the House?

Mr. *Bernal:* No, Sir.

Mr. *Henry Grattan* said, I must say, Sir, that I did not hear any words used by the right hon. Member for Nottingham, which any man in his common senses could take offence at.

Mr. *Wason* begged to suggest the propriety of both the hon. Members being taken into custody forthwith.

The *Chancellor of the Exchequer* submitted, that the proper course of proceeding would be, to move that both the hon. Members be ordered to attend the House. This would bring them under the jurisdiction of the House, and they could then proceed as they thought proper. He begged to make the motion.

The Speaker put the quest n, that Sir John Hobhouse and Colonel Sibthorp be ordered to attend in their places.—Ordered.

After a short interval, Colonel Sibthorp entered the House.

The remaining orders being disposed of,

The *Speaker* said, that seeing the hon. Member for Lincoln in his place, it became his duty to acquaint him that the Chairman of Committees had reported to him that certain words had passed between the hon. Member and the right hon. Member for Nottingham, which had been, in his (the Speaker's) opinion, misapprehended and understood in an offensive sense by the hon. Member. He, therefore, required to be informed by the hon. Member whether or no any such feeling existed in his mind?

Colonel *Sibthorp:* I have no hesitation in saying, Sir, that I have entertained, and must continue to entertain, such an impression, until I find an inclination on the part of the right hon. Member for Nottingham to disavow such an intention. I have but one course to pursue, Sir; I determined upon that course, Sir, when I first entered public life; and I hope the course I have uniformly pursued, both as a military man and a civilian, has never been irreconcileable with the course I ought to pursue. Sir, I have but one course to pursue; it is the maintenance of, I hope, unimpeachable honour, and, I trust unimpeachable courage. I have no hesitation in saying, Sir, that I did receive those words, and that I shall continue to receive them, in a manner offensive to me. As a man of honour, I have but this course to pursue; and this being the case, it is my inflexible determination to pursue no other.

The *Chancellor of the Exchequer* was quite certain that the general expression of opinion which had fallen from the hon. Member, contained those principles by which every other hon. Gentleman would be most anxious to regulate his own conduct. For the moment, however—he meant no offence in this—he wished to leave the hon. Gentleman entirely out of the question, and to appeal to the personal and political friends who sat around him. He appealed to them for the accuracy of his interpretation of what had taken place. He really did not apprehend that any circumstance had occurred in the course of the debate in Committee, of which any hon. Gentleman had a right to take personal notice. He wished it to be understood that he was not now arguing the case of the hon. Member for Lincoln, because he wished to remove him altogether from the scene. The occurrence was simply this: a laugh took place on the Opposition side of the House; it might have occurred on the Ministerial side. Upon this, his right hon. Friend, translating a Latin proverb, said, "few things are more foolish than a foolish laugh." Now, he put it to hon. Members whether if an hon. Gentleman took such a remark as this to himself, he might not with equal propriety construe almost every remark which was made in that House into a very serious personal affront. No personal offence could have been intended. The hon. Gentleman laughed certainly, but so did other hon. Members. He would put it to the hon. and good-humoured laughers opposite, whether they had felt affronted by the observation of his right hon. Friend? Well, they had not felt it any very heavy personal offence. The hon. Member for Lincoln should remember, too, that he had deprived his right hon. Friend of a reply, by leaving the House first. In his absence, however, his right hon. Friend had replied; and in that reply he had unequivocally stated that he had meant no offence whatever to any one. Under these circumstances, he put it to the judgment and good sense of the hon. Members around the hon. Gentleman, whether it would not be misapplying the powers of the House and the functions of its Speaker to interfere at all in the present case.

Mr. *Eaton* felt bound to state, for the information of the House, and the satisfaction of the gallant Colonel, that he had been informed by the right hon. President of the Board of Trade (Mr. Poulett Thomson), that he was quite sure no personal offence had been intended by the right hon. Member for Nottingham.

Colonel *Sibthorp*, being loudly called for, said that so long as he was under the Speaker's authority, he was bound to abide by his decision; but he would rather vacate his seat in Parliament than bend to anything which was contrary to his feelings, or yield to anything which he considered an affront, or, he would add, an insult. If the communication he had heard, however, came from the right hon. Member for Nottingham, himself, he had no other course to pursue but to say that he was perfectly satisfied with it.

Subject dropped.

HOUSE OF LORDS,

Friday, June 17, 1836.

MINUTES.] Bills. Read a third time:—Bastards' Wills (Scotland); Municipal Act Amendment.

Petitions presented. By the Marquess of BUTE, from Rothsay, for Protection to the British Fisheries.—By the Marquess of CONYNGHAM, from Kentstown, for the Abolition of Tithes (Ireland).—By the Marquess of CHOLMONDELEY, from the Congregation of Trinity Chapel, Conduit-street, London, for the Better Observance of the Sabbath.

STAFFORD BOROUGH DISFRANCHISEMENT BILL.] The House proceeded with the examination of witnesses in support of this Bill.

THE FRENCH CHAMBER OF PEERS.] A Report was presented from the Library Committee of their Lordships, stating that the librarian had received, and had in his possession, 1,872 volumes presented by the French Chamber of Peers to the House of Lords. The Committee recommended the appointment of an assistant librarian.

The Duke of *Richmond* said, that the French Chamber of Peers had not only sent copies of their own Journals and valuable papers, but also copies of some of the most valuable works in France. He thought that their Lordships ought to place on their Journals an acknowledgment of the gift. He would therefore move that the House had heard with great pleasure the Report of the Library Committee, and that they felt grateful for the valuable accession thus made to their library.

The Earl of *Devon* could state from his own observation, that the Chamber of Peers had endeavoured to make the gift in every way worthy of the acceptance of this House.

The Marquess of *Lansdowne* fully concurred in what had fallen from his noble Friend (the Duke of Richmond), whose motion he cordially seconded.

Lord *Ashburton* asked, if there was any precedent for the House communicating as a body with any foreign body?

The Duke of *Richmond* said, the noble Baron had mistaken him. He had not made any motion to the effect which the noble Baron had supposed. All he had moved was, that the House received with pleasure the Report of the Committee, and felt grateful for so valuable an accession to their library. He was aware that there was another mode of conveying the feelings of the House without a direct communication from it as a body.

The Marquess of *Lansdowne* said, the expression of the feelings of the House would be communicated, through the Foreign Secretary, to the French Government.

Motion agreed to.

The Duke of *Richmond* said, that that vote being carried, he would now move that it be an instruction to the Library Committee to send forthwith to the French Chamber of Peers the remaining Journals and papers of the House of Lords, from the date of the last presentation of them up to the present time.—Agreed to.

MUNICIPAL CORPORATIONS' BILL (IRELAND) CONFERENCE.] The *Chancellor of the Exchequer*, accompanied by a considerable number of Members of the House of Commons appeared at the Bar, and desired a conference with their Lordships, on the subject-matter of the Amendments made by their Lordships to the Bill entitled, "An Act for the Regulation of Boroughs Corporate in Ireland."

The Conference was held as requested; and on the return of the Peers appointed to confer with the Commons, the Marquess of Lansdowne read the reasons stated by the Commons for disagreeing to their Lordships' amendments, to the following effect:—

"In discharge of the high trust committed to them by the Constitution of this realm, the Commons of the United Kingdom of Great Britain and Ireland feel it to be their duty to guard against the establishment of any principle inconsistent with the maintenance of the good correspondence and understanding between the two Houses of Parliament, which is essential to the due administration of the laws, and the settlement of all classes of the King's subjects, and the security, honour, and dignity of his Majesty's Crown.

"In considering the amendments made by the Lords in the Bill for the regulation of Municipal Corporations in Ireland, the Commons are bound to advert to the mode of procedure adopted by the other House of Parliament.

"The Bill passed by the House of Commons provided for the regulation of Municipal Corporations in borough towns in Ireland, and was framed upon the principle of reforming existing abuses, but of preserving within certain cities and towns in Ireland a system of municipal government.

"It appears from the Minutes of the House of Lords that, in pursuance of an instruction from the House, the principle of the Bill has been altogether altered in Committee, and a change of title has been consequently rendered indispensable.

"By the Bill returned from the Lords, it is proposed to abolish Municipal Corporations throughout all Ireland, and to place the management of all corporate property under Commissioners appointed by the Lord-Lieutenant of Ireland, and holding their offices during his pleasure.

"The Bill, as amended, founded on a new principle, bearing a new title, and varying in its enactments from the Bill sent to the other House of Parliament, must, therefore, be considered as an original measure. The Commons are far from questioning the undoubted right of the Lords to exercise their undisputed powers and privileges in modifying or rejecting legislative measures submitted to them; but as the due and careful examination in each House of Parliament, of the principle and details of all legislative enactments passing through the various stages as prescribed by the orders, ancient usages, and constitution of Parliament, is essential to the making of just laws, and as such due and careful consideration is rendered difficult, if not wholly impossible, if original Bills are transmitted in the form of amendments from one House of Parliament to the other, the Commons trust that the course pursued on the present occasion by the Lords may not be drawn into precedent:

"But while the Commons have felt it to be their duty to state the reasons which preclude them from agreeing to the Bill as amended, yet, from an earnest desire to maintain undisturbed that good understanding and correspondence between the two Houses, which they consider as essential to the well-being of the British monarchy, and from a conviction of the evil consequences of leaving great and admitted grievances without present and adequate remedy, they have proceeded to take into their consideration the Lords' amendments, in an earnest hope that such a measure may be thereon founded, as shall meet the concurrence of the other House of Parliament, as shall be consistent with the principles of legislation adopted in the reform of the Municipal Corporations of Great Britain, satisfying the just expectations of his Majesty's subjects in Ireland, and thereby maintaining and strengthening the Union between Great Britain and Ireland.

"Because the Commons cannot consent to abolish a branch of the institutions of this free country, which is coeval with the earliest connexion between Great Britain and Ireland, which is founded upon charters granted by his Majesty's royal predecessors, and is recognised by the Statute law of the realm, at various periods, more particularly in the Act of Settlement and the Act of Union between Great Britain and Ireland.

"Because, as the Imperial Parliament has passed laws for Great Britain, reforming the existing Corporations, but providing a permanent system of municipal government, the Commons are not prepared to consent to any enactments for Ireland, irreconcileable with those sound principles which have given ease and contentment to the inhabitants of the corporate cities and towns in Great Britain, and have been conducive to the common weal.

"Because it appears to the Commons essentially necessary to the best interests of Great Britain and Ireland, and to the maintenance of the Legislative Union between the two countries, that the same general principles of legislation should be applied to both parts of the empire, subject to such modifications as local circumstances may render indispensable or expedient.

"Because, if the rights, immunities, and franchises, granted and continued to Municipal Corporations in Great Britain, are in Ireland abolished or withheld, the Commons are apprehensive that a spirit of distrust and discontent will be produced in Ireland, lessening the confidence reposed in the decisions of Parliament, endangering the public tranquillity, and thereby impairing the strength, the resources, and the security of the British empire.

"Because the Commons consider the discharge of local duties and the enjoyment of local privileges, under a system of self-government, as established in the Acts for the reform of the Municipal Corporations of Great Britain, to be among the most efficient guarantees and securities for peace, good order, and contentment, and to afford the surest means of directing the active ambition of the free subjects of a constitutional monarchy to just and legitimate objects, thus insuring obedience to the laws and an attachment to the constitution of the realm.

"Because the conduct of the several Corporations in Ireland, as set forth in the Reports presented to Parliament, has been such as to render it wholly inexpedient to continue in office, by one general enactment, all the servants of such Corporations, intrusted as they are with the performance of duties highly important to the mercantile and commercial interests of the several cities and towns in Ireland.

"The Commons disagree to the amendments of the Lords, by which members of the Corporations other than the officers of such Corporations may claim to receive compensation.

"Because the grant of such compensation, without reference to the duties of office performed by the party claiming compensation, is unprecedented, and likely to lead to injurious results.

"Because the payment of pensions, allowances, and annual sums, without reference either to the time at which such pensions, allowances, or annual sums were granted, or to any public services rendered by the persons to whom such grants have been made, whether supported by an alleged established usage or a previous resolution, may entail on the cities and towns of Ireland charges created contrary to law, unsupported by any just authority, and may thus continue and sanction abuses of trusts, augmenting the local burthens, and diminishing the revenues applicable to the common good.

"Because these enactments of the Lords, if not amended, are wholly at variance and irreconcileable with the facts of the case, as appearing on the face of the Report of the Commissioners presented to both Houses of Parliament.

"Because, if the malversations and abuse of trust by existing Corporations be such as to impose an obligation upon the Legislature to extinguish or remodel all such Corporations, a continuance of the existing corporators in the discharge of their duties is inexpedient and unjust.

"Because the property of many of the existing Corporations has been granted in trust for paving and improving several of the cities and towns in Ireland, and for other public uses, and consequently these enactments would continue the powers of the existing Corporations, or of the governing bodies and leading members thereof, by a law which proposed to provide for their absolute abolition and extinction.

"Because these enactments would, in some cases, have the effect of converting a terminable trust or office into an office or trust for the life of the party, and that not in the case of persons appointed or elected with such intent, but for the benefit of such as are casually in office on a given day.

"Because such enactments might create an impression, that whilst the legislature proposed to abolish the existing Corporations, care was taken to continue and to sanction the powers and authority of the existing corporators.

"Because the estates and personal property of Corporations being granted for local purposes, will be most advantageously administered by those who are at once locally interested and locally responsible.

"Because in so far as these corporate funds are applicable to the purposes of paving, watching, and lighting, and other analogous public services, which must otherwise be provided for by local taxation, it is just that the parties authorised and empowered to impose these local taxes should also be intrusted with the management and application of the corporate estates.

"Because the effect of placing the management of these estates and funds in the hands of Commissioners, holding office during the pleasure of the Lord-Lieutenant, would be the creation of an undue influence in the several cities and towns inconsistent with their freedom and political independence.

"Because the transfer of the right of nominating various public servants and officers from a local authority to Commissioners holding office during the pleasure of the Lord-Lieutenant, will increase the patronage of the Crown, unsupported by the suggestion of any adequate grounds either of necessity or of expediency.

"Because the enactment that such surplus revenue may be applied to the public benefit of the several towns, is vague and indeterminate, and leaves too wide a discretion to the nominees of the Lord-Lieutenant.

"Because it is proposed in this enactment to sanction the appropriation of corporate revenues to the uses of local boards or of trustees, acting under a statutable authority, and the public revenues of the cities and towns may thus be applied to purposes of limited usefulness, by which the general interests of the inhabitants may not be promoted.

"Because this enactment may sanction a misapplication of the corporate funds from the public purposes to which they were originally destined, and to which, for the benefit of the country, they should still continue to be applied.

"Because, if the conduct of the existing Corporations in Ireland has been such as to render their abolition not only expedient but indispensable, the continuance in office of the nominees of such Corporations, without reference to their character or qualifications, cannot be justified.

"Because such offices are connected with the administration of justice in Ireland, and should therefore be removed from local influence, and placed under the immediate authority of the Crown.

"Because the effects of the Lords' amendments would be to give to several of their officers a more permanent title in their several offices than that which they now possess.

"Because the effect of such an enactment would be, to give to the officers in question a more extended interest in their offices than that which they now enjoy.

"Because the officers appointed by or under the authority of the existing Corporations of Ireland are not in all cases the best qualified persons to be continued in the exercise of functions connected with the administration of justice.

"Because such officers have been appointed by the corporate bodies, whose abuse of trust is proved by the Report of the Royal Commission, and is admitted by both branches of the Legislature.

"Because such offices relating to the administration of justice ought not to be exposed to animadversion or suspicion.

"Because the effect of the Lords' amendments will be, in some cases, to convert an office held during pleasure, or by annual appointment, into an office held during good behaviour, thereby creating a new and extended title, for the benefit of the officers of existing Corporations.

"The Commons have felt it to be incumbent on them to state the foregoing reasons for their disagreement with certain of the amendments sent to them by the Lords.

"In the Bill, as now amended, the Commons have consented to confine the establishment of town-councils to twelve considerable cities and towns, of which the wealth and importance render them well-suited to such a system of local government. The Commons have further provided for the local government of twenty cities and towns of lesser extent and population, by applying to them the enactments of a statute especially relied upon in the amendments of the Lords. Within these several cities and towns it cannot be doubted but that the wealth, the intelligence, and the public spirit of the inhabitants, will supply both a constituent and a representative body fully qualified for the performance of local duties. The Commons have excluded from the immediate operation of the Bill, as returned from the Lords, eighteen towns in which the necessity of legislative interference is less apparent.

"The Commons have thus endeavoured to maintain a good understanding between the two Houses, by not insisting on many provisions contained in the Bill as it originally passed their House.

"The amendments to which the Commons have still felt it their duty to refuse their concurrence are such as appear to them to be wholly irreconcileable with the principle of the Bill as introduced, and no less at variance with the principles adopted in reforming the Municipal Corporations of Great Britain.

"From these leading principles, the Commons think it would be inexpedient, unwise, and unjust to depart. In an Address carried by both Houses to the foot of the Throne, a determination was expressed to preserve inviolate the legislative Union; but, at the same time, to remove all just causes of complaint, and to promote all well-considered measures of improvement. Were the present Corporations of Ireland, or the governing bodies thereof, to be continued in the exercise of their functions, proved and admitted, as has been, their scandalous abuse of trust, the Commons feel that a just cause of complaint would remain unremoved; and if a Bill were permitted to become law, extinguishing in Ireland all traces of these Municipal Institutions, which have existed for upwards of six centuries, and which at no former period, even during internal commotion and civil war it was ever proposed to abolish, the Commons do not conceive that enactments of such an unprecedented nature would come within the description of those well-considered measures of improvement which Parliament has pledged itself to promote."

On the Motion of Viscount Melbourne, itwas agreed that the Municipal Corporations (Ireland) Bill, as returned from the Commons should be taken into consideration on Friday next.

The Earl of *Haddington* said, he was present in the Committee-room during the Conference; and it appeared to him, that the Conference was not conducted after the usual manner, or according to the Standing Orders of their Lordships' House. The Lords appointed to manage the Conference stood uncovered, instead of sitting covered during the ceremony.

The Marquess of *Lansdowne* admitted the statement of the noble Earl to be correct; but said, it was from inadvertence only that the customary form had been departed from. During a great part of the Conference, the Lords stood up with their hats off; but, in the first instance, when the Commons entered the room, they were seated. He apprehended that no advantage would be taken of the circumstance.

Subject dropped.

HOUSE OF COMMONS,

Friday, June 17, 1836.

Minutes.] Bills. Read a second time:—Grand Juries (Ireland); Charitable Trustees; Secular Jurisdiction (York and Ely) Abolition.

Petitions presented. By Mr. Corry and Lord Ashley, from various Places, for Sabbath Observance Bill.—By several Hon. Members, from various Places, for the Abolition of Church Rates.—By Mr. W. S. O'Brien and Mr. Sheil, from various Places, for Abolition of Tithes (Ireland).—By Mr. Shaw, from Clonmell, in favour of the Lords' Amendments to the Corporations' (Ireland) Bill

East-India Maritime Service.] Mr. *George F. Young* said, that he now rose to present the petition of which he had given notice, from Captains Newall, Barrow and Glasspoole, of the late maritime service of the East-India Company, complaining that the compensation to which they were entitled under the Act 3rd and 4th William 4th., c. 85, was withheld from them. While candour obliged him to say, that he thought great injustice had been done to these petitioners, he was sure at the same time that the right hon. Baronet at the head of the Board of Control had only acted in accordance with the dictates of his conscience and judgment in deciding against their claim. He was also certain that no one would be more rejoiced than the right hon. Gentleman himself, if he should find, that he had been mistaken in arriving at that decision. He thought it right to say thus much at the outset, and to disclaim all participation in those attacks which he had seen with great regret made upon the part of the Government with which the right hon. Baronet was connected, in reference to this subject. The case of the petitioners was briefly told. They were Gentlemen of great respectability, character, and station, and they had been commanders of ships in the East-India Company's service. In the year 1833, at the termination of the late charter of the company, it was deemed expedient that the China trade should be thrown open. If that arrangement had not gone further, there would have been no claims for compensation on the part of any individuals; but it was also deemed accordant with public policy to exclude the East-India Company from any participation in that trade for the future. The result was, to throw out of employment a considerable number of most meritorious individuals, who derived their subsistence from employment in the Company's service, and whose situation justly excited the sympathy of the Court of Directors, of Parliament, and the public. The principle of compensation was adopted, and the greatest anxiety was evinced that it should be extended as far as a just liberality called for. It would be recollected, that when the clause in the Act was under discussion, care was taken so to frame it that all maritime officers entitled to compensation should be brought within the terms of it. In the rules and regulations, however, which were afterwards framed by the Court of Directors, and approved of by the Board of Trade, for the purpose of carrying the compensation, clause into effect, in his opinion the line was drawn too closely, and many individuals were excluded from compensation who, he thought, were entitled to it. The case of such individuals had already been brought by the hon. Member for Worcester before the House; and he believed that that hon. Member had a notice on the notice-book on the subject. The present petitioners, however, complained of a peculiar hardship, and he confessed, that until he heard the reasons from the right hon. Gentleman opposite, he could not conceive why their claims for compensation had been disallowed. These Gentlemen had commanded ships belonging to the East-India Company itself. Now a regulation had been adopted by the East-India Company, that of any of the ships of which the Company itself was owner no one should have the command for more than five voyages. This arrangement had been adopted for two reasons—first, because it was understood that in that period a competent fortune might be acquired; and secondly, because the number of ships belonging to the Company was so small that but for such an arrangement the junior officers would have little prospect of ever being in command of one of them. After making five voyages in Company's ships commanders could command freight ships employed by the company. These three Gentlemen not having made a sufficient fortune for their families while in the command of the Company's ships, had felt it their duty, and had actually made arrangements to take the command of ships freighted by the Company, when the Company's trade was stopped by the interference of the Legislature. Under such circumstances, they submitted their claims for compensation to the East-India Company, when to their great surprise, the Finance Committee of the Company reported that—

> "Claims having been preferred to maritime compensation by commanders who have completed the full number of five voyages in the Company's own service, your Committee submit that it never could have been intended to grant the compensation to such commanders, they having had the peculiar benefits of the Company's own service for the whole term allowed by the Regulations, and there not being a single case in which a commander so circumstanced has again gone in the command of a ship. Your Committee, therefore, recommend that, subject to the approbation of the Board of Commissioners, claims for this class of commanders be deemed inadmissible."

On this Report of the Finance Committee being presented, the Court of Directors disclaimed it, and recommended that the claims of the petitioners to compensation should be allowed. Application, however, being made to the Board of Control, it was found that that board concurred with the Finance Committee of the East-India Company in refusing the right of the petitioners to compensation. The Court of Directors had recommended the case of the petitioners to the Board of Control for compensation, and that board having refused to grant it, the petitioners had no other remedy but an appeal to that House. The main objection made to the claim of the petitioners was, that no one who had commanded a Company's ship for five voyages had ever continued to pursue his profession afterwards. But such was not the fact; and the rule laid down by the act of Parliament was, that all persons who suffered injury by the termination of the Company's trade, should be liberally compensated. The petitioners in their case, as laid before the Board of Control, detailed facts to show that there were several instances of commanders, after five voyages in Company's ships, continuing to follow their profession; they gave convincing proofs that they had themselves intended to do so, and that they had made arrangements for that purpose; they subjoined the certificates of most respectable merchants that they intended to present them to ships to be freighted by the Company, and to crown all, they had subscribed the solemn declaration required from all persons claiming compensation that it had been their intention to pursue their profession. In the teeth of such facts, the Board of Control decided against their claims. He should have mentioned that at a meeting of the Court of Proprietors, the following resolution had been unanimously carried—

"At a general Court of the East-India Company, the 16th of December, 1835—Resolved unanimously—That according to the intention of this Court in the scheme of compensation proposed by them for their maritime officers, Captains Newall, Barrow and Glasspoole, are entitled to the pension of 200*l.* per annum, granted by this Court to commanders generally of the late maritime service, who had been in actual service between the 28th of August, 1828, and the 28th of August, 1833, and that the Court of Directors be requested to take the necessary steps for paying the same accordingly."

He trusted, that even should the right hon. Gentleman consider it his duty to adhere to the decision already made on the subject by the Board of Control, he would give way, should the feeling of the House appear to be that the regulation should not be drawn so strictly, but that it should be relaxed a little in order to do justice to the petitioners.

Mr. *Georg Palmer*, after pronouncing a warm eulogium on the East-India Company's maritime service, gave his cordial support to the petition.

Sir *John Hobhouse* said, that the hon. Gentleman who had just sat down could not rate that service higher than he did. He also begged to assure his hon. Friend who had presented the petition, that it was not until he had gone through all the facts of the case most minutely, that he had arrived at the conclusion of which the petitioners complained — that they were not entitled to the compensation which they claimed. Having had notice of this petition, he had again gone over the details of the case, and he was again painfully compelled to pronounce the same decision. He could assure the House that of all the labours which devolved on the department with which he was connected, none were so painful as those which related to the consideration of claims of this kind [*hear*], and it was with the greatest regret he found himself compelled by a sense of public duty to resist the claims of these gentlemen. The hon. Gentleman was mistaken in supposing that the Court of Directors had always regarded the claims of these gentlemen favourably. In the first instance, they took the same view of the subject as their Finance Committee — namely, that the claims of these gentlemen were inadmissible. The Court of Directors came to a resolution to that effect on the 4th of March, 1835. It was true that in a few days afterwards they changed that opinion, and they thought fit to recommend to the then Commissioners for managing the affairs of India, of whom the hon. Member opposite (Mr. Praed) was one, to consider the case of those officers. The then Commissioners did so, and Lord Ellenborough, after a most careful examination of the case, thought fit to decide that the claims of these officers were inadmissible. He would briefly state his reasons for concurring in that decision. The hon. Gentleman had referred to the decision of the Court of Proprietors, but that decision did not carry, in his opinion, much weight with it. They were not a fit body to entertain a question of the kind. They had now no power over the revenues of the Indian empire, and the amount of their incomes would not be at all affected by the decision of such claims as this one way or the other. He doubted very much that the interpretation put by his hon. colleague (Lord Glenelg) on the act of Parliament was correct. He thought that the Court of Proprietors, strictly speaking, had no right to discuss questions of this kind. He begged to assure the hon. Gentleman opposite that there was not a single instance where commanders who had gone in Company's ships five voyages had afterwards taken up freighted ships. What the act of Parliament intended to guard against was, the infliction of prospective loss on any individuals. They had nothing whatever to do with the former circumstances of these gentlemen; all that the Board of Control had to inquire was, whether their claim could have a prospective force. It was just possible that they might have again been called into service; but he had no control over that. They had derived all the advantage they had a right to expect from employment in the Company's service, and being in possession of that, they had no right to attempt to prove a prospective loss, on which ground alone they had any claim to compensation. He contended that the arguments advanced in support of the claim were founded on a total misapprehension of the Act of Parliament. His hon. Friend was quite mistaken if he supposed that Parliament could exercise any power in granting compensation, or in any particular except in distributing it. If they were to undertake the settlement of the various claims which were urged by individuals, the time of the House would be entirely taken up in considering them. He had given the most careful attention to this case, as well as to all that had come before him, and if he could fancy for a moment that injustice had been done, he would not hesitate to reconsider it. But he conceived that Lord Ellenborough was right—that the gentlemen concerned had not proved a prospective loss, and that not having proved it, they had no right to claim compensation. The argument pressed by the hon. Member for Middlesex in favour of the claim was, that other parties had received sums of money, not as pensions, but gratuities, larger perhaps than those gentlemen would think it just to claim. He replied, that he was not responsible for the scale on which those gratuities were granted. It was, in his opinion, an extremely improvident one. Any Gentleman who could prove that there would have been a certainty of his being employed as captain of a Company's ship, not having been so previously, was entitled to a gratuity of 5,000*l.*, and a pension of 200*l.* a-year, that is, for giving up his chance of the advantage to be derived from five voyages he was entitled to what was equivalent to 7,000*l.* His hon. Friend admitted that the profits, on an average of five voyages, did not amount to a great deal more than 7,000*l.* He thought the compensation was unnecessarily large; but, comparing it with the alleged amount of profit, certainly no ground of complaint could be advanced by the parties. He had to apologize to the House for entering into this detail; but he thought he had made out such a case as proved he had come to a correct decision, and that this was not a case which Parliament should consider, or in which the House of Commons ought in any way to reverse the decision to which the Commissioners for Managing the Affairs of India had, after due deliberation, arrived.

Mr. *Robinson* said, that the only question was whether these officers were or were not injured by the opening of the trade to China. The right hon. Baronet said, that they had brought forward no proof of this; but he would remind the right hon. Baronet that the Board of Control would allow no proof to be adduced. The Court of Proprietors had admitted the justice of their claim, and that by an unanimous vote. Under these circumstances he was bound to say that he considered this a case of extreme hardship, and even injustice. They were driven to petition Parliament to interfere in their favour, and he hoped that the House would see the justice of their claim. The right hon. Baronet had denied the right of the Court of Proprietors to interfere; but he differed with the right hon. Baronet on this point, because that Court was one of the parties to the contract entered into with the naval officers of the Company. There were three parties to that contract—the Company, the public, and the Company's maritime officers. He was aware that this was not the time to argue the question at length, but he did not very well know what remedy would be left to the officers, if the Board of Control, after the favourable conclusion come to by the Court of Directors which was confirmed by an unanimous vote of the Court of Proprietors, were to annul those decisions without assigning any definite reason. Parliament having delegated the distribution of the compensation fund to the Court of Directors and the Board of Control acting with them, those bodies had exercised their right in a perfectly fair and equitable manner, and he did not think it just that their sentence should be reversed.

Mr. *Praed* agreed with the right hon. Baronet, that the Act of Parliament warranted the awarding compensation under certain regulations laid down to some classes of the officers of the East-India Company. He agreed with the right hon. Gentleman that the scale of compensation adopted was needlessly profuse; but he thought the restriction of it to those who had served within the last five years was very inexpedient and impolitic. But these regulations were made before Lord Ellenborough came into office. He thought there was a strong *primâ facie* appearance, that a captain who had made five voyages in the service of the East-India Company could have no prospective loss to complain of, and such a person could not be regarded as entitled to compensation within the restriction made by Mr. Charles Grant, now Lord Glenelg. It had, however, been the opinion of Lord Ellenborough, and he entirely concurred in it, that the rule, though strong as to the inclusion, was not strong as to the exclusion, and that it might be relaxed if there were any circumstances affecting a particular case, which gave the individual special claims to compensation. His view of the opinion held by Mr. Grant on this subject was this,—he believed that Mr. Grant came to a resolution to compensate all officers who might sustain injury by the new arrangements entered into respecting the trade to China; but he found that if all those who considered themselves injured were called on to make out their claims, the property of the Company would be wasted to an indefinite amount, and was therefore induced to restrict compensation to those who had served a certain period. It was certainly his opinion that the petitioners had made out a claim founded on prospective loss.

Mr. *Vernon Smith* hoped the hon. Member would allow him to set him right on one point. They had imagined that in all they had done, with regard to claims for compensation, they had acted in complete accordance with the precedents laid down by Lord Ellenborough. He contended that the Board of Control had offered no objection to the production of evidence in support of the claim of the petitioners; but the proofs they produced were of a very unsatisfactory character. The hon. Member for Worcester said, that the Board of Control had thrown obstacles in the way of the petitioners. He admitted this; but he did not agree with him in thinking that they were not entitled to throw obstacles in the way of a claim which they considered did not rest on any sufficient ground. He thought that one of the principal uses of the Board of Control was to prevent the extravagant expenditure of the property of the East-India Company. If the hon. Gentleman thought they had acted improperly, he might bring their conduct before Parliament, or he might, if he thought proper, introduce a Bill for altering the functions of the Board.

Petition to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND)—LORDS' AMENDMENTS — CONFERENCE.] The *Chancellor of the Exchequer* stated, that a Committee had been appointed to draw up reasons, to be communicated to the Lords at a conference, for disagreeing to certain amendments introduced by the House of Lords in the Municipal Corporations Bill for Ireland. He begged to move that they be reported.

They were read accordingly. For them, see the Lords, *ante* p. 576 *et. seqq*.

On the question that they be agreed to,

Sir *Robert Peel* said, that he hoped it would be distinctly understood, that those who did not wish to provoke any discussion on the subject were at the same time not to be considered as coinciding with the reasons. It was impossible to urge any grounds of disagreement to the amendments to the Bill made by the Commons, without provoking a general debate on the point under discussion the other night. A division might take place on each of these amendments, especially as the reasons had not been read at length, and he trusted that it might be understood, that they the (Opposition) dissented; that their acquiescence was given under protest, and with a distinct reservation of their own opinions.

The *Chancellor of the Exchequer* said, that a similar course had been pursued last year on the English Municipal Reform Bill, and it was then distinctly understood and expressly stated, that the reasons for disagreeing to the Lords' Amendments were only the reasons of the majority, and, therefore, the minority, could not stand in the slightest degree pledged to abide by them. Many clauses of the reasons were not very intelligible, without reference to the Bill; it was not necessary to read them at full length, and they could only be regarded as the reasons of those who agreed to the Bill in its present shape. That was the course pursued on a former occasion, and the one which would prove most conducive to the public convenience.

Sir *Robert Peel* remarked, that considering the important charge intrusted to a Committee, in drawing up reasons whether they were such as had no reference at all to the opinions of the minority or not, he doubted, where that was the case, if it would be a good precedent to establish that such a Report should be received without objection. It was not right that the House, as a House, should sanction such a proceeding, and it might materially increase the weight of the reasons assigned, if it were known that they passed as those of the whole House, and that no objection was offered to the Report.

Report agreed to; and the Chancellor

of the Exchequer, with other hon. Members were deputed to demand a conference with the Lords. The conference was held and the Chancellor of the Exchequer reported that the managers for the Commons had delivered to the managers for the Peers the reasons of the Commons for disagreeing from the Peers' amendments, and had left with them the Bill and its amendments.

Commutation of Tithes (England).] Lord J. Russell moved, that the order of the day be now read for taking into further consideration the Report on this Bill.

Sir *George Sinclair* observed, that in the orders of the day the Church of Ireland Bill stood at the very head of the list. Why then was it postponed? The House had now sat four months, and he really did think that a Bill purporting to be one for the relief of the Church of Ireland, one of the most important measures that could possibly be submitted to the House, should long since have been carried to a conclusion. It seemed to him that the conduct of his Majesty's Ministers, now that they were in power, was very different from what it had been when they sat on that (the Opposition) side of the House; for while there a great deal had been said by them about the impossibility of tranquillizing Ireland without a settlement of the question relating to the Church of Ireland: yet week after week, and month after month, was now allowed to elapse without the measure being brought to a conclusion. This he could not reconcile with his ideas of what ought to be a manly, straightforward, and statesmanlike conduct. The only reason, indeed, that he could possibly discover as probably actuating his Majesty's Ministers in the course of proceeding they had adopted, was the fear they must necessarily entertain of the manner in which the appropriation clause of that measure was likely to be received in another place. It appeared to him that they had thought the appropriation clause a very convenient millstone to be launched from their catapulta to break down the rampart which kept them from the Treasury benches, but that they had at last found it a heavy millstone round their own necks. He trusted that some day would be fixed, on which the discussion might really and fairly be entered into, so that it might be ascertained whether the Bill should be carried on or not. The conduct of Ministers was the same as it had been during the former session when they carried the appropriation clause, did nothing whatever in it until June, but brought forward many other questions, although that was the question on which they took office. He would be glad to know from the noble Lord why the question had not been brought forward, and when it was likely to be gone into?

Lord *John Russell:* The hon. Member who had just sat down had been dreaming away his existence, without paying the least attention to the events of the last few years. The hon. Member had said, that when out of office his Majesty's Ministers had pretended great anxiety to obtain a settlement of the tithe question in Ireland. To that it was almost superfluous in him to reply, that they had really felt, and had not pretended, that anxiety. For his own part, he had felt it for some time past, and had shown it in 1834, when, as one of the King's Ministers, he had assisted in preparing a Bill for that purpose which had been thrown out by the House of Lords, even though it did not contain any objectionable clause of appropriation. Again, in 1835, Ministers, as soon as they had time to consider this question, had propounded another Bill for the same object, and that Bill too had been thrown out by the House of Lords. Those facts appeared to have escaped the attention of the hon. Member who seemed to be in complete ignorance of the fate of those two bills. He (Lord J. Russell), however, could not exclude the past from his memory, and the consequence was, that he did not entertain the same hopes which he formerly entertained, that the Bill which he had proposed for the settlement of tithes in Ireland would be suffered by the other House to pass into law. With regard to the Bill to be debated that evening, he had only to observe that the Tithe Commutation Bill for England was brought into that House early in February last, that it had since then been frequently discussed, that it was a Bill of great importance, that it was a measure in which the interests of many parties were materially concerned, and that it was one on which he entertained hopes that Parliament would agree, there being no such question involved in it as was involved in the Irish Church Bill. He therefore could not see any reason why this Bill, which was introduced in February last, should be postponed to make way for the Church of Ireland Bill, which was not introduced till a month later. It might perhaps suit the convenience of the hon. Member better to have the Irish Bill discussed that night. Perhaps he had some speech ready cut and dried for that Bill, of which he was anxious to deliver himself. If that were the case, he would make no objection to the hon. Member's delivering it upon the English Tithe Bill, as it would probably be just as appropriate to one Bill as to the other.

The order of the day was read.

Lord *John Russell* said, before the Bill was recommitted he wished to make a few remarks to the House. He would remind the House that when this subject was last under consideration, he had stated, that although they had been some time in Committee upon it, still the attendance had not been so numerous, nor had the sense of the House been so fairly taken on the 34th Clause, as to justify him in proposing that the Bill should pass, without affording them an opportunity of pronouncing some more decided judgment upon that particular provision. The effect of that clause was, that if it should be found in certain cases that the amount of tithe paid, or the amount of the composition for tithe, was above seventy-five per cent. on the gross value, it should be reduced to seventy; that, in cases where it fell below sixty, it should be raised to seventy; and that in special and peculiar cases it might be fixed at between sixty and seventy. He had since considered the subject with a view to meet, if possible, the objections of those who had spoken and voted against this clause as one which, in their opinion, would commit a very great injustice against the landowners. The result of that consideration was, that he gave notice of a motion for the recommittal of the Bill, for the purpose of effecting a very considerable change in this enactment. That change would be a modification of this clause, as the former clause was a modification of the 33rd Clause originally proposed. It was essentially necessary that that clause should undergo some modification, because it was evident that in many cases the sum of money taken as composition fell very much below what ought to be taken as its fair amount; and it was represented—with great justice, as he thought—that it would be very unfair if persons who from their own leniency, or other creditable motives, had taken a small amount of composition for a certain period, were to be fixed for ever to that precise amount; while others, who had got as high a rate of composition as they possibly could, were benefitted in proportion to the tenacity with which they had insisted on exacting the utmost farthing. However, so much alarm having been created by the principle he originally proposed to adopt in the 34th Clause, he now proposed to modify it in a different manner, and to fix a limit, beyond which the tithe should not be varied by the Commissioners. He now proposed that the Commissioners, upon a consideration of the circumstances of the case, should ascertain the gross value of the tithe, and should have the power of raising or diminishing the sum to be paid in future, with this limitation—that they should not raise or diminish it more than one-fifth beyond the amount paid for the last seven years. He proposed, likewise, that the Commissioners should, by the 1st of May next, make a report to his Majesty, which should be laid before Parliament, stating what rules and regulations they thought fit to adopt, according to which this amount—never exceeding the one-fifth—should be estimated. This would the better enable Parliament to decide upon the rule they would lay down, which would naturally be founded partly on the state of the different districts, and partly on the proportion which they should be told the sum taken bore to the actual tithe. He had thought it necessary to give notice that he should propose this clause in lieu of the 35th: at the same time he must express his opinion, that the clause he originally proposed was founded on the principles of justice, and his regret that it had met with so little support when first brought forward. The noble Lord in conclusion moved, that the Bill be recommitted.

Mr. *Goulburn* did not know whether the noble Lord would prefer, that he should enter into the question now or in Committee; but in his opinion the alteration now proposed was so completely a substitution of one principle for another, that he did not conceive himself, or any other hon. Member, called upon to enter into the merits of the proposition without time for consideration. The proposition appeared to him to contain an entirely new principle. The noble Lord said, that tithe should in future be rated upon the average of the last seven years; but, said he, that would operate unjustly—it would be a tax on the liberal and a premium to the illiberal. He agreed with the noble Lord on this. The Bill, however, already provided against this objection, by specifying a sum which might be supposed to meet the exigences of every case; but the noble Lord now abandoned that principle in his subsidiary clause. He proposed, that the composition should be estimated from the actual value of the tithe, yet he now went back to the contrary principle, and actually did that which he proposed to avoid, encouraging the illiberal and taxing the liberal. This mode of proceeding overlooked entirely the value of the tithe, and went only upon the amount actually received by the incumbent. This he conceived to be a very great variation from the avowed principle. Indeed, the noble Lord himself seemed to be sensible of the inconvenience it might occasion, and to distrust the operation of the clause he was about to introduce, for he proposed to call on the Commissioners to report the rules and principles upon which they proposed to make the additions or deductions. He confessed, that he could not see how the Commissioners could possibly make such a report. The subject-matter of it must depend upon the knowledge the Commissioners might have of the nature of the agreements for composition in individual cases, and they could have no better means of judging than the noble Lord himself or the House. The noble Lord said, that the arrangement was necessary, because persons had entered into compositions with the existing incumbents, on the faith of which they had commenced a course of improvements. This he could understand as a reason why existing engagements should not be interfered with; but it must be remembered that a party making such an agreement would make it for a definite period, either for the life of the incumbent or for a certain number of years, and that it, would be most unjust to make that which was originally the basis of a temporary arrangement the foundation for a permanent one. He begged not to be understood as either supporting or opposing the clause; but if the noble Lord did not afford the country time to consider it he would not be doing justice to his own measure, to the landowner, the tithe-owner, or to any of the interests involved in its operation.

Sir *Robert Inglis* said, that if he understood the plan of the noble Lord correctly, it was quite contrary to the principle on which he had previously proposed to act, that was, to take the past receipts as the basis of future payments. Now, on the contrary, the noble Lord proposed to take the gross amount of the tithe, and to reduce them on another scale. He thought that they should have a valuation of the entire tithe-property of England, as the right hon. Member for Cumberland proposed, until which time the noble Lord could scarcely have a clear idea of the subject. When that was done it would be quite time enough for the hon. Member for Southwark to move its appropriation according to his sense of justice and propriety. For his (Sir R. Inglis's) part, he thought it should be kept as much as possible in the hands of its present owners, and especially not be given up as a bonus to the landowners.

The House went into a Committee on the Bill.

The clause proposed to be substituted for the 35th having been read,

Mr. *Hodges* suggested, that as the clause involved matters of a complicated nature it would be much better to postpone the consideration of it until it had been printed. He recommended that the debate on it should be postponed.

Mr. *Goulburn* was quite incapable of discussing the clause with anything like satisfaction to himself till he had seen it in print, and had had time to consider the probable effect of it.

Mr. *Shaw Lefevre* thought, that the adoption of this clause would be a decided improvement of the Bill, and would materially assist the working of it. He felt obliged to the noble Lord for adopting it. He did not see the necessity for postponing the discussion of it, as there could be no objection to adopting it.

Mr. *Ayshford Sanford* approved of the principle of the clause, because it gave a greater discretionary power to the Commissioners.

Mr. *Goulburn* observed, that it was probable that the hon. Member for Hampshire (Mr. Shaw Lefevre) had seen the clause, as he had expressed so strong an opinion in favour of it; but this was not the case with the rest of the Committee. He once more suggested the necessity of putting the Committee in possession of the clause with which they had to deal. He could not conceive that his proposition would be regarded as unreasonable.

Mr. *Blamire* said, that he did not perceive that there was any difficulty in understanding the clause, although he had not seen it. He thought that it was highly advantageous that it had been brought forward. By means of it they would be enabled to guard against much injustice, which otherwise would have been inflicted.

Viscount *Ebrington* hoped the clause would be agreed to. Hon. Members could state any objection to it on bringing up the Report.

Mr. *Estcourt* objected to the clause being inserted in the Bill without the fullest discussion.

Mr. *Benett* had no objection to give large powers to the Commissioners. Indeed, he thought the clause did not go far enough in this respect, for there were many cases in which the Commissioners ought to have the power of lowering the commutation beyond the twenty per cent. Although most anxious for the disposal of this Bill, which he considered as calculated to do much good in the country, he certainly thought this clause ought to be maturely considered before it was adopted.

Mr. Cayley looked upon the clause as a great improvement.

Clause agreed to.

The House resumed.

REGISTRATION OF BIRTHS AND MARRIAGES.] Lord *John Russell* moved the Order of the Day for bringing up the Report on the Registration of Births and Marriages Bills. The noble Lord observed that several amendments had been made in these Bills. The right hon. Gentleman opposite (Mr. Goulburn) opjected to the provisions of the Bill. Perhaps the right hon. Gentleman would consent to take the sense of the House upon those objections on the third reading.

Mr. *Goulburn* was understood to say that, if considered more convenient, he should dicuss the provisions to which he objected on the third reading.

Lord *Stanley* thought the House was bound to take into its consideration the situation in which a class of persons, the parish clerks, would be placed by this Bill. Some of those persons received in fees from 100*l.* to 150*l.* Now, although he could easily imagine it might not be desirable that those persons should fill the office of registrars, yet it might be proper, when it could be conveniently done, that those persons should fill those offices. He wished to know whether means could not be taken to afford compensation to those persons?

Lord *John Russell* thought that there would be very great difficulty in providing a remedy for the grievances referred to by the noble Lord. Until the Bill was in operation they could not say what loss those persons would sustain. He did not well know how clauses for compensation could be introduced into the Bill.

Report received—Bill to be read a third time.

CHURCH OF ENGLAND.] Lord *John Russell* moved the second reading of the Established Church Bill.

Sir *Robert Inglis* said, his objection to the Bill was, that it made the Bishops of the Church of England, instead of being great proprietors, stipendiaries of the State. The apportionment of the salaries he considered of minor importance. As he believed that any opposition which he could offer to the present motion would not be in the slightest degree successful, he should content himself with entering his protest against the principle of the Bill.

Mr. *Poulter* said, that this was a question which ought to be completely discussed and receive the fullest consideration. The object to be obtained was one of no less importance than the real efficiency of the Established Church. He should not oppose the motion, but he must express his hope that the noble Lord would fix some day on which the question might be discussed fully.

Mr. *Pease* considered it his duty to state, that it was intended, when this Bill came into the Committee, to propose a provision for the See of Durham, previous to any portion of the funds being set apart for Manchester and other places, which were in a situation to provide for their own wants without abstracting anything from the poor See of Durham.

Bill read a second time.

REGISTRATION OF VOTERS.] On the Motion of the Attorney-General, the Registration of Voters' Bill was committed.

On the 49th Clause,

Mr. *W. M. Praed* proposed, an amendment for the purpose of allowing

Counsel to appear in support of votes before the revising barristers.

The Attorney-General opposed the amendments.

The Committee divided on the original clause Ayes 68; Noes 22:—Majority 46.

Original Clause agreed to.

On Clause 50, which gives the right of voting to charitable trustees,

Mr. *George F. Young* proposed as an amendment, that no trustee should be allowed to vote who was not a trustee for property of the amount of *30l.* a year, and who was not in actual possession of the rents and profits.

Mr. *C. Ross* objected to the clause, on the ground that it gave the power of voting to charitable trustees.

The *Attorney-General* supported the clause. It was but just that all property should be represented.

Mr. *George F. Young* said, that according to the principle laid down by the right hon. Gentleman (the Attorney-General), the property owned by females should be represented.

The *Attorney-General* observed, that the property possessed by females was deprived of representation, precisely for the reason that property belonging to minors and lunatics could not be represented—namely, that from its very nature it was unfit to have the privilege of representation granted to it. The property under the superintendence of trustees, however, was capable of being represented, and therefore it was the object of the present clause that it should be represented.

Lord *Stanley* thanked the right hon. Gentleman for his illustration respecting minors and lunatics, as it appeared to him to bear precisely on the present clause; for he was persuaded that, on the very same ground on which the guardians of the property of minors and lunatics should not have votes, trustees, to whom it was intended by the present clause to give the right of representation, should be excluded—namely, because they have no beneficial interest whatever to entitle them to vote.

The *Solicitor-General* said, that if the noble Lord would look at the words of the clause, he would see that those trustees only who exercised a controlling power over the property of which they were appointed guardians were empowered to vote.

Mr. *C. Ross* said, that the effect of this clause would be, that nominal charities would be created in every part of the country, in order to give a fictitious right of voting.

Mr. *Foster* was in favour of some amendment of the Reform Act, as it stood at present, with reference to trustees, for he knew instances in which men having a trusteeship, without any beneficial interest whatever, were allowed to vote, though he, who was similarly circumstanced, had his claim disallowed.

The Committee divided on the original question, Ayes 44; Noes 23:—Majority 21.

On the question being again put, that the clause stand part of the Bill,

Lord *Stanley* objected to it, as being opposed to the provisions of the Reform Bill. By the statute of William, trustees in actual possession were allowed to vote; but by the statute of Anne which followed, no trustees were allowed to vote unless they were in actual possession of the rents and profits for their use and benefit. In the Reform Bill there was one clause with regard to trustees which declared negatively that no person who was not in possession of the rents and profits should be allowed to vote. This clause did not certainly say, that they should be in possession of the rents and profits for their own use and benefit; but by a subsequent clause it was distinctly declared, in conformity with the statute of Anne, that no trustee should be allowed to vote, unless he were in possession for his own use and benefit. It was rather extraordinary that the latter restrictive clause was that relied on by the Attorney-General as a justification for the change now proposed, which must have the effect of materially enlarging this class of voters. He asked the Committee whether they would, in the face of the statute of Anne, in the face of the abuses which his hon. Friend (Mr. C. Ross) had alluded to, as the inevitable result of their sanctioning his proposal:—he asked them whether they would in the face of common sense and the plain meaning of the Reform Act, consent to the creation of a number of faggot votes grounded on no beneficial interest whatever? If this clause passed, a man having *60l.* a year out of a school would have nothing to do but to make two or three trustees, and they would thereby be entitled to vote for Members of counties, they having no direct beneficial interest in the property. He called upon the Committee to reject the clause.

The *Attorney-General* said, that the noble Lord happened to differ in his opinion of the right of a trustee to vote under the Reform Bill from the Chief Justice of the

King's Bench. He had himself heard the Chief Justice declare, in the case of the parish of Mary-la-bonne, in which a question as to the right of trustees to vote arose, that under the Reform Bill a trustee had the right of voting. And any judge in England might, he thought, have expressed the same opinion. Before the Reform Bill passed trustees in possession had, under the Act of William, the right of voting. [Lord *Stanley:* But what do you say to the statute of Anne?] He did not mean to pass over the statute of Anne. But under the statute of William trustees in possession were considered to be entitled to vote. Then came the statute of Anne, which declared nobody entitled to vote unless he were in possession of the rents and profits for his own use and benefit. A doubt existed whether the statute of William was repealed by that of Anne; and then came the Reform Bill, in which was inserted the statute of William *in totidem verbis.* When, therefore, that statute was expressly re-enacted in law, how could the noble Lord argue that it was repealed by the Reform Act? By a subsequent clause of the Reform Act, however, it was declared that trustees were not entitled to vote unless they held for their own use and benefit. Taking this clause by itself, trustees certainly appeared to be excluded from the right of voting; but considering the two clauses together, it did appear to be a reasonable construction, that when the trustee was in possession as a mere receiver he should not have the power of voting; but that, where he was intrusted with a discretionary power over the rents and profits, his claim should be admitted, because *sub modo* he had a beneficial interest in the property. That interpretation of the Act appearing to receive the most general approval he had embodied it in the present clause, which he trusted would be approved of by the Committee.

Mr. *Praed* contended, that unless, as argued by the Attorney-General, the words "for his own use" included trustees having a regulation or control over the trust funds, the objection taken by the noble Lord was not removed. He should certainly take the opinion of the Committee upon the point.

Lord *John Russell* observed, that the object of the 26th Clause of the Reform Bill was to place the law in regard to trustees in the same state as it was placed by the Act of William 3rd.

Mr. *W. Miles* was of opinion that the *bonâ fide* administrator of a charitable bequest had a valid claim to vote.

The Committee divided on the question that the clause stand part of the Bill—Ayes 90; Noes 50; Majority 40.

Clause to stand part of the Bill.

On Clause 52,

Mr. *Praed* moved, that it be omitted. He objected to it on two grounds; first, as an infringement of the provisions of the Reform Bill: and, secondly, as a disfranchising clause introduced into a Bill of which the title and preamble were of an enfranchising nature. The clause of the Reform Bill which the clause before the Committee went to repeal, was one introduced by the House of Lords, and on its being sent down from that House, the noble Lord and the hon. Member for Kilkenny both expressed their approval of it. Unless, therefore, it could be shown that it had operated prejudicially, the House would be stultifying its own proceedings by repealing the clause. The only ground of objection which, he believed, could be found to the class of voters now proposed to be disfranchised was, that they were unfavourable to the present Government. That, however, was not a valid ground, or one which the Legislature could entertain. His objection, however, extended as well to the manner in which the clause was introduced, as to the matter it contained. If it was found necessary to meddle with the Reform Bill, it ought to be done openly, and the necessity ought to be stated in the preamble. The measure before the House was entitled, "A Bill for the more effectual registration of persons entitled to vote in the election of Members to serve in Parliament, and its preamble was of a similar enfranchising character. How, then, was a voter to know that, by a disfranchising clause smuggled into the centre of it, his right of voting was taken away? He should certainly take the sense of the Committee upon the question.

Sir *Harry Verney* expressed his conviction that the clause of the Reform Bill proposed to be repealed was introduced into it by mistake, and Ministers had properly availed themselves of the present opportunity to destroy its operation.

Mr. *Ewart* considered, that the clause proposed to be omitted, so far from being an infringement of the Reform Bill, was in strict conformity with its principles.

The Committee divided on the question that the clause stand part of the Bill. Ayes 86; Noes 44; Majority 42.

Clause to stand part of the Bill. Clauses to the 67th agreed to.

The House resumed: Committee to sit again.

HOUSE OF LORDS,

Monday, June 20, 1836.

MINUTES.] Bills. Read a third time:—Judicial Ratifications' (Scotland).—Read a first time:—Punishment of Offences Cape of Good Hope.

Petitions presented. By several NOBLE LORDS, from the Dissenters of various Places, for Relief from Church Rates.—By the Duke of CLEVELAND, from Sunderland, for the Removal of Jewish Civil Disabilities.—By the Earl of CLARE, from the East-India Company, for the Equalization of the Duties on East and West-India Produce.——By the Earl of WINCHILSEA, from Canterbury, against the Commons' Amendment to the Municipal Bill for Ireland.—By Lord ASHBURTON, from Persons in Upper and Lower Canada, against any Alteration in the Timber Duties.—By the Earl of ABERDEEN, from the Lord Provost and Magistrates of Edinburgh, against the Universities' (Scotland) Bill.

THE POST-OFFICE.] The Duke of *Richmond* would commence the very few observations with which he had to trouble their Lordships on the subject of the Post Office, in pursuance of his notice, by assuring them that it was not his intention to make the slightest attack either upon the present Commissioners, the former Commissioners, or any of the persons to whom they might at any time have delegated their authority. He brought forward the question now, because he felt that if he delayed it until the measure for the new regulation of the Post Office came before their Lordships, and then moved that the Bill be referred to a Select Committee, he should lay himself open to the imputation of wishing to get rid of the measure by a side-wind. He now gave his Majesty's Ministers the power, before they proceeded with a measure which he was persuaded would be most prejudicial to the best interests of the country, of moving that it be referred to a Select Committee. If they would do so, and if before that Select Committee they could prove to him that it would not be attended with danger to the manufacturing, commercial, and agricultural interests of the country, he would withdraw his opposition. Ever since he first became acquainted with the details of the Post Office he had always held the opinion that the idea of abolishing the office of Postmaster-General, and appointing Commissioners in his stead, was wild and visionary. It was due to the public that they should have some person at the head of that department, who was responsible for the discharge of the functions intrusted to him. What said the Commissioners on this point? What reasons did they assign for the change? Why they set out by saying, "We have had under our consideration the general management of the Post Office, and we feel convinced that it would be impossible for us to propose any substantive alteration in the number of clerks, the present mode of conducting the business, or any of the complicated machinery of the department, without in fact placing ourselves in the situation of the Postmaster-General." The Commissioners, in fact, acknowledged that they were ignorant of the whole details of the establishment, and because they were so, they recommended the destruction of the present mode, and a substitution of another mode of management. One of their grounds for recommending the abolition of the office of Postmaster-General was, that the duties of it generally devolved on the Secretary. Well, but whose fault was that? When the Government appointed a Postmaster-General, let them take a pledge from him that he would discharge the duties of his office in person, and if he did not, let them do their duty and recommend his Majesty to discharge a person who disgraced the office he held. Their Lordships must feel themselves justified in demanding some evidence on this point, before consenting to the abolition of the office of Postmaster-General. There were sixty pages of evidence certainly, but of those sixty, forty had been taken prior to the year 1827, and the whole department was remodelled in 1830. In addition to which there was throughout the whole this singular inadvertency—no one witness was asked his opinion of the proposed change, or even whether he thought any change necessary. If the Commissioners could not inquire into the details of the office without putting themselves in the situation of the Postmaster-General, why, at least, could they not have given the House the Postmaster-General's evidence? There was not a word from him; there was no knowing from the Report whether he concurred in the propriety of the proposed change or not. He submitted, that the House had a right to call for the evidence of the Postmaster-General before they proceeded further. The Commissioners recommended a Board of two perpetual Commissioners, and one responsible chief in Parliament. They then said, that all letters of great importance were to be signed by the whole three. He (the Duke of Richmond) did not object to the three Commissioners being forced to sign every letter, but at the same time he thought it would be just as satisfactory to the public to have the signature of the Postmaster-General. The Commissioners did not say in what respect the appointment of the Commissioners would benefit the department, but he could tell his noble Friend in one moment how to make the department popular. The secret was this. It ought not to be considered so much in the light of a revenue board, but the Postmaster-General ought to be allowed to spend more money in increasing the advantages derivable from the Post-office. In the evidence he had given before the Commissioners, he had told them, that if the rates of postage were reduced, he had no doubt the revenue of the Post-office would be increased. There were many other points in which the Postmaster-General might make a sacrifice with the greatest advantage to the public. The Chancellor of the Exchequer, however, would not allow him to do so, because he wanted the money. Was there any reason to suppose that he would be a whit more good-natured to the three Commissioners, than to the Postmaster-General? Supposing the proposed Board were constituted, the chief would have to go out of office with every Administration. The Postmaster-General at least had the power of ordering things to be done, even supposing he delegated his authority to the Secretary, which he (the Duke of Richmond) denied, while this new chief would be under the complete control of the two perpetual Commissioners, from whom he might always disagree. He must assert that there was no authority for the proposed change. The Finance Committee of 1827 had merely said it was questionable whether some such Board might not be advantageously constituted; but the Finance Committee of 1817 was decidedly opposed to any such Board. He agreed with that Committee that it would be dangerous to remodel this office without inquiry; and he contended that there was no ground whatever to justify their Lordships in effecting a change of this importance. When he reminded their Lordships that a great machine like the Post-office affected every interest, manufacturing, agricultural, and commercial, and was intimately connected with the comforts, the feelings, and the well-being of every man in the community, he need not recommend them to proceed with caution and deliberation. He would give his noble Friends notice, that when the Bill for the regulation of the Post-office reached that House, he should move, that it be referred to a Select Committee, wholly dissatisfied as he was with the evidence on which it was founded.

Viscount *Duncannon* would oppose any such motion, even if he stood alone in doing so. Three Commissions on the subject had been already appointed, and he could not help thinking that referring it to a Select Committee now, would only be in effect postponing any measure for the reconstruction of the Post-office for an indefinite period. After taking the evidence of the Secretary, the Commissioners had come to the conclusion, that if they had entered further into the details of the Post-office, they would have neglected objects of the utmost importance, such as the mail-coach contracts, the steam-packet establishment, the communication by letter with other countries, and other points which they had now under their consideration. For himself, he must say, that the opinion he entertained on this subject in July last was strengthened in a tenfold degree by the evidence which the Commissioners had appended to their last Report. The evidence given by the Secretary himself, proved that he was the only person who had discharged the functions of the Postmaster-General up to the noble Duke's time. He stated, that he always exercised his judgment as to the business which he should lay before the Postmaster-General, and that during his absence he was the responsible party. His noble Friend had said, that the chief would change with every Administration, and would be outvoted by the other Commissioners. He could only say, that this was not the case in other Boards, similarly constituted, of which he was a member. The examination before the Commissioners had been carried on with the most anxious wish to obtain every information on the subject. Their Lordships would perceive by the statement contained in the Sixth Report, that every packet on the Holyhead station had been on fire in the course of the last year in their passage across—some more than once, and that there were no means for extinguishing the fire. On the whole, he felt that their Lordships would consider it to be most unwise to postpone any legislative measure on this subject, by the intervention of a Committee of Inquiry.

The Duke of *Richmond* wished to ask his noble Friend, whether he did not know that at this moment the packets were transferred to the Admiralty? Did not his noble Friend know, that it might be done without a Bill; that it required only an order of the Treasury to make the transfer; and he should not be surprised if the transfer had already been made. It was objected that this country had lost 4,000*l.* a-year by the packets sailing too early for the passengers. He remembered telling his noble Friend, the then Chancellor of the Exchequer, that if he agreed to the treaty with France, there would be a loss of 4,000*l.* a-year; but his answer was, that he (the Duke of Richmond) ought to look to the great advantage which would accrue to the commerce of this country by the merchants obtaining their letters at a much earlier period; and therefore the Government ought not to compete with private packets in conveying passengers. His noble Friend had spoken of the great loss sustained by this change; but he ought on the other hand to take into account the gain by accelerating our commercial intercourse. But what did his noble Friend mean by loss? It appeared by the Appendix A., No. 27, that the total gain in one year previous to the alteration was 315*l.* 11*s.*, and that the total loss during the first three after the treaty was 155,272*l.* 5*s.*, being an average loss of about 45,000*l.* a-year. Now suppose they had taken the packets by contract, what would have been the loss? During the three years of his experience of the change of system, the loss had been for the first year 18,959*l.*; the next year, 21,612*l.*; and the third year, 17,000*l.*, making an average loss of 19,000*l.* a-year. But could his noble Friend expect that his letters could be carried for nothing? With respect to the charge of peculation at Holyhead, the Postmaster-General or the Admiralty ought to institute an inquiry who were the guilty parties, and when discovered, they ought to be punished. When he was in office he had intended to have gone to Holyhead and made an inspection there; but the reason he deferred doing so was, that it was every day expected the Government would come to some decision with respect to the transference of the packets to the Admiralty. The Commissioners in their Report stated, that the Lords of the Admiralty ought to regulate the salaries of the officers in the Post-office steam-packet service. It was also his opinion that they ought to do so. At present the pay of those officers was not on a footing exactly such as their Lordships would approve. The captains had 145*l.* a-year ordinary pay; but then they were allowed freight, and what profit they could make by entertaining the passengers. He did not think it was a good system to make officers of the navy keepers of hotels; and one great benefit which would be derived from putting the Post-office packets under the Admiralty, he expected, would be a change in this respect, by calling the attention of the Admiralty to the matter.

Viscount *Duncannon* repeated his opinion, that no further inquiry was necessary as to the charge of peculation. The person who had made the inquiry had taken the best means he could to ascertain the fact, not only with respect to the charge of peculation in coals, but also with respect to iron and to oil. This person was contradicted by the resident at Holyhead, but in every case he made good his charge.

The Marquess of *Westmeath* thought that a case of misconduct and peculation had been made out, with regard to the Holyhead station alone, sufficient to make the public anxious to have at least as much efficiency displayed in that department, as was the case when the noble Duke (Richmond) was Postmaster-General. He could corroborate the statement of the noble Viscount as to the facts arising out of the evidence; and if a Committee should be applied for, by which another delay would occur in remedying the present defective system, he certainly should oppose it. He wished to ask the noble Earl opposite, whether the appointment of Capt. Bevis was not at the instance of the Lords of the Treasury.

The Earl of *Minto* knew nothing of the circumstance mentioned by the noble Marquess.

The Earl of *Lichfield* said, that he appointed Captain Bevis from the Milford station to Holyhead, previous to any recommendation from the Treasury. He did so, because the Post-office would otherwise have been without an agent at the latter station. Captain Bevis was an officer of experience in the navy, and one whom he thought a most proper person for the appointment in question. On receiving the recommendation of the Chancellor of the Exchequer, he informed the right hon. Gentleman of the appointment he had made, at the same time expressing his entire conviction of Captain Bevis's perfect competency to fill the situation. The experience he had since had of the conduct of Captain Bevis at Holyhead fully satisfied him that he was perfectly right in making that appointment.

Lord *Ashburton* had long had a strong impression on his mind that some alteration in the system of the Post-office department was necessary. He believed that the noble Duke (Richmond) was almost the first Postmaster-General who could be said to have looked into the details of that department. If any measure should be brought forward for altering the organisation of the system, he should certainly give it his support. The great and leading error in the Post-office establishment of this country was, that it was made a source of revenue to the State. This was the only country in Europe where impediments were thrown in the way of commercial intercommunication by financial exactions. He was perfectly well aware that during the war the Minister required every means by which to obtain a revenue, and that since the war, the demands for a reduction of taxes of various descriptions had been so pressing, that it was not to be expected the Chancellor of the Exchequer would voluntarily relinquish a tax against which no serious and earnest complaint had been raised. But what surprised him was, that in a commercial country like this, and in a country too where the diffusion of knowledge was so strongly advocated, such a serious check upon the intercourse between this country and foreign nations should have been suffered so long to exist. It was a perfect anomaly, that on an expenditure of not more than 500,000*l.* a-year, a tax should be raised to the amount of upwards of a million and a half. What would be thought of a tax upon verbal communications, or commercial transactions in the same town? and yet in principle, a tax upon the correspondence between commercial men in different parts of the world, beyond the necessary revenue to defray the expense of conveyance, was precisely the same thing.

Lord *Wallace* concurred most cordially in the principle of the measure intended to be brought forward by the noble Viscount (Duncannon). He anticipated great advantages from the substitution of a Board of Commissioners for a single Postmaster-General. He did not see any reason for the appointment of a Committee to make further inquiry on this subject. They had the Reports of several Commissions, composed of persons connected with all parties; and every one coming to the same conclusion as to the desirableness of substituting a Board of Commissioners for the present system. For, notwithstanding what the noble Duke had said upon the subject of the Finance Committee of 1817, he (Lord Wallace) still must claim the authority of that Report in favour of the view which he took of the subject. It was true, that Committee did not recommend the appointment of a Board of Commissioners to be constituted like the existing revenue boards, but they were of opinion that it would not be advisable permanently to leave the office of Postmaster-General in the possession of a single individual. If there ever was a question on which it did not seem necessary that there should be any further inquiry, it was the very one which their Lordships were then discussing.

The Duke of *Richmond* said, that it certainly appeared by the evidence that there had been great negligence and carelessness on the part of the agents at the Dover and Holyhead stations, and that if he had been Postmaster-General, he should have removed those parties. But that was not a sufficient ground for altering the present system. It was quite clear that the packets were to be transferred to the Admiralty, therefore all the arguments deduced from the sixth Report in favour of the intended measure must go for nothing. In conclusion, he thought it but fair to give his noble Friend notice, that when the Bill he was about to introduce should come before their Lordships, he (the Duke of Richmond) should move, as an amendment, that the fifth Report should be referred to a Select Committee, and he should certainly take the sense of the House upon it.

The conversation terminated.

HOUSE OF COMMONS,

Monday, June 20, 1836.

MINUTES.] Bills. Read a first time:—Horse Patrole; Bills of Exchange; and Entailed Estates (Scotland).—Read a second time:—Copyright (Ireland).—Read a third time:—Highway Rates.

Petitions presented. By Captain F. BERKELEY, from Gloucester, for Revision of the Criminal Code.—By several MEMBERS, from various Places, for placing Retailers of Beer on the same footing as Licensed Victuallers.—By Mr.

JAMES OSWALD, from the Bakers and Fleshers, Glasgow, for Municipal Corporations' (Scotland) Bill; and by the ATTORNEY-GENERAL, from several Places, against the Bill.—By several HON. MEMBERS, from various Places, against the Factories' Act Amendment Bill.—By several HON. MEMBERS, from various Places, against Turnpike Trusts' Consolidation Bill.—By Mr. HINDLEY and the ATTORNEY-GENERAL, from Edinburgh and Ashton-upon-line, for Removal of Jewish Civil Disabilities.—By Mr. COLLIER, and Mr. Sergeant JACKSON, from Torqua and Templemartin, for a Lord's Day Bill.—By several HON. MEMBERS, from various Places, for Abolition of Church Rates.—By several HON. MEMBERS, from various Places, praying the House to Adhere to the Provisions of the Municipal Corporations' (Ireland) Bill.—By Major MACNAMARA, from several Places in Ireland, for the Abolition of Tithes (Ireland).—By several HON. MEMBERS, from various Places, for Repeal of the Duty on Newspaper Stamps.—By Sir EARDLEY WILMOT and Mr. HUME, from several Paper Stainers in London, for Repeal of the Duty on Stained Paper.—By Sir R. PALGRAVE, from Ballynuve, against the Sale of Spirits by Grocers.— By Mr. W. S. O'BRIEN, from Dury and Ballindon, for the Introduction of Poor-Laws into Ireland.—By Mr. MACKINNON, from Marylebone, against interfering with the House of Lords.

CHURCH RATES.] Lord *Stanley* begged to ask the noble Secretary for the Home Department whether it was the intention of Ministers to bring forward this Session a measure on the subject of Church-rates?

Lord *John Russell* replied, that it must depend upon the progress of other Bills, and upon the decision the House should come to on the plan proposed by the Church Commissioners for appropriating part of the Church revenue not absolutely wanted, and now devoted to sinecures. The Report of the Commissioners had not yet been presented, and he would take this opportunity of saying, that he did not think he should be able to introduce a measure on the important question of Church-rates in the present Session. At the same time he begged to declare that his opinion remained unchanged; that by means of Church-rates, or in some other way, it was expedient that the State should provide for the maintenance and repair of churches. If a Bill were not brought in this Session it would be absolutely necessary not to delay it beyond next Session, and if it could be proceeded with instantly it would not be very possible to vote any sum for the purpose in this Session, so that a remedy would not be much, if at all, delayed by deferring it to another year.

Mr. *Hume* referred to the anxiety felt out of doors, especially by the Dissenters in all parts of the kingdom, on this question. Although they did not wish inconveniently to hurry the Government, they expected to be told frankly and clearly what course was intended to be taken.

Lord *John Russell*, added that whatever might be the anxiety of the Dissenters, they could not have been in doubt as to the opinions of the Government. Two years ago Lord Althorp brought in a Bill on the subject, in which the principle was declared that Church-rates should not be abolished unless the State provided a substitute. He had never said anything inconsistent with that principle, or at least anything to lead the Dissenters to suppose that Ministers meant to abolish Church-rates without an equivalent, or that such an equivalent was to be found in the revenues of the Church. To that principle he had adhered, and to it he intended to adhere. On various occasions he had explained his views to the Dissenters, and they were satisfied that he did not mean to bring forward any Bill that would accomplish their wishes. He did not believe, therefore, that they were at all anxious that any measure should be introduced.

Mr. *Hume* said, that as far as he was acquainted with the wishes of the Dissenters, they never would agree that Church-rates should be paid out of the general revenues of the country. Means to pay them ought to be found in the sinecure revenues of some of the deans and chapters.

Lord *John Russell* remarked, that that was a question upon which the House had not yet come to any decision.

STAMP DUTY ON NEWSPAPERS.] The *Chancellor of the Exchequer* moved the Order of the Day for the House to resolve itself into a Committee on the Stamp and Excise Acts.

The Speaker having quitted the Chair,

The *Chancellor of the Exchequer* said, that on a former day he had generally stated his views as to the reduction of the duty on newspaper stamps; subsequently the hon. Baronet, the Member for Northamptonshire, had expressed his intention to substitute a partial reduction of the duty on soap. He had then promised that the discussion should be taken in such a shape as to enable the hon. Baronet fairly and fully to present his motion, and accordingly the House had now resolved itself into a Committee, not only on the Stamp Act, but on the Excise Acts. What he meant to do this night was to submit a single resolution, that it is expedient that the duty on newspapers should be reduced from 4*d*., less the discount, to 1*d*. If this were carried, it would be made an instruction to the Committee on the Stamp Bill to alter the provisions of it accordingly. He had already taken good care that no Member should be committed in the former stages through which that Bill had passed, and in the schedule the stamp duty on newspapers was specified to be 4*d*. He would reserve to a later period of the evening the questions controverted between the right hon. Member for Cambridge (Mr. Goulburn) and himself respecting the size of newspapers, double sheets, and matters of that description. First, it would be more convenient to settle the point in dispute between the hon. Baronet and himself upon the plain and intelligible principle whether it was fit that the duty on newspapers or on soap should be reduced. The right hon. Gentleman moved, " That it is expedient that the duty now payable be reduced, and that the duty paid and payable upon every sheet or piece of paper whereon a newspaper is printed shall in future be 1*d*., subject to such provisions respecting the size of newspapers, and the printing of supplements, as may hereafter be deemed advisable."

Sir *Charles Knightley* rose to move the amendment of which he had given previous notice. His proposition was, to reduce the duty on soap. The hon. Member for Lincolnshire had some time ago brought forward a motion to abolish altogether the duty on soap; and the only argument with which the Chancellor of the Exchequer had resisted that motion was, that it could not be granted with a due regard to the public revenue. He only proposed to take off a small portion of that duty; and it was only necessary for him to prove that the reduction of the duties on soap would be more beneficial than the reduction of the duties on newspapers. First of all, the reduction of the duties on soap would be a benefit to the farmer. The reduction of the duty would increase the consumption of the article on which it was imposed, and that would increase the demand for home produce, by increasing the demand for fat of animals. It had been said that the farmers did not at present stand in need of relief. He admitted that they were now better off than they were formerly; but he was afraid that their present prosperity was only a fleeting dream, a gleam of sunshine which would soon disappear. When the farmers asked relief to a large amount, they were told that it could not be granted; and now, when they asked only for a small boon, he trusted that it would not be refused to them. He believed there was no instance of a farmer complaining of the high price of newspapers; but he knew of many instances in which they had expressed the delight which they would feel in obtaining a reduction of the duty on soap. If he were to vote for the reduction of the duty on newspapers, instead of voting for the reduction of the duty on soap, he did not know how he could face the farmers and ask them for their votes. How could he ask a man for his vote, who was enabled to say to him, " Instead of giving me the opportunity of getting clean hands for myself, and clean garments for my wife and daughters on a Sunday, you give me at a low price a parcel of dirty newspapers?" It was quite absurd to say, that the stamp duties on newspapers debarred the poor from reading them. In London, newspapers were abundant enough, for coffee-shops which took them in were to be found in every street. He had from curiosity sent a person to visit one of those coffee-shops, and that person informed him, that for 1½*d*. he had obtained a good cup of coffee and a sight of every newspaper published in London. And these papers, after they were read in the coffee-shops in London, were sent to all parts of England, he fancied at a greatly reduced price—less, it might be, than one-half. To be sure they did look as if the thumbs of their readers wanted a little soap. He believed that the hon. Member for Finsbury would not be able to sell newspapers to his constituents for less than 3*d*. a-piece, even if the stamp duties were taken off; and now it appeared that they could be read and enjoyed with a good cup of coffee for just half the money. Did the newspaper proprietors call for any reduction of these stamp duties? Had the House had any application from the proprietors of the *Times*, the *Standard*, the *Morning Post*, and the *Morning Herald* papers on our side of the question? Had they had any applications from the proprietors of the papers on the Ministerial side? No: one of them had absolutely deprecated the removal of those stamp duties. The *Globe*, which always supported the Government, and was generally supposed to be its organ, said, " The amount of mischief which might, or might not be done be done by a sudden supply of such writings, diffused through every hamlet, we cannot see far enough through a mill-stone to prophesy. It would depend on a variety of circumstances beyond calculation. Sure we are, the first fruits of the measure would be anything but the diffusion of knowledge, whatever might be its ultimate consequences; at least, the knowledge would not be of that pure and calm kind which is commonly deemed to merit the name. Political speculations on ignorance always deal in invective and violence; in appeals to anger, envy, distrust,—as other fanatics deal in damnation. Wholesomer wares are not half so saleable; and if Brummagem knowledge were suddenly encouraged by the total removal of fiscal restrictions, as well as by furnishing better organized means of transmission through the medium of his Majesty's post, we do not say it would be destructive, but we say it would be exceedingly troublesome, and very apt to find work for his Majesty's Attorney-General, treading, like Nemesis, on the rash web of his Majesty's Postmaster. It would require continual legal repression; that is to say, if incitements to turbulence are meant to be repressed at all.

On the other hand, what was the opinion of those who were engaged in the soap trade? At a meeting held by them at the George and Vulture they had unanimously agreed to a long string of resolutions, calling upon the Chancellor of the Exchequer for a reduction of the soap duties. After reading those resolutions the hon. Member proceeded to observe, that one of the arguments employed by the Chancellor of the Exchequer in support of his proposition for reducing the stamp duties on newspapers was, that the 1*d*. duty, from the increase it would produce in the sale of newspapers, would produce as much as the present duty of 3¾*d*. Now, if there was anything in that argument, it was just as good for soap as it was for the newspapers. He had gone to the Post-office last Saturday night, out of curiosity to see the mails, and he found them so heavily laden that it was hardly safe to travel by them. He asked one of the guards what was the reason of it, and the guard told him it was owing to the quantity of newspapers, which distressed the horses exceedingly. Now, if the Chancellor of the Exchequer was right in saying that the 1*d*. stamp would produce quite as much as the present stamp, then the quantity of newspapers must be more than trebled; and if so, there must be a tax raised for their conveyance. His reason for preferring his own proposition to that of the Chancellor of the Exchequer was, that the tax on soap pressed with undue severity on the poorer classes. The poor man had his soap taxed seventy-five per cent., whilst the rich man's soap was only taxed thirty per cent. The reduction of the duty on soap would not only promote the health and comfort of the poor, but would also increase the demand for agricultural produce. The reduction of the duty on newspaper stamps would do nothing of the kind—it would not benefit the farmer or the poor, and the rich did not want it. He therefore called upon the Chancellor of the Exchequer to accede to his motion, and upon the House to improve the minds of the people by purifying their bodies. If the Chancellor of the Exchequer reduced the duty on soap, he would benefit the country; if he reduced the duty on newspaper stamps, he would inflict upon it, in the shape of a cheap profligate press, one of the greatest curses which could desolate humanity. The hon. Member then moved a resolution, that the duty on hard soap be reduced from 1½*d*. to 1*d*., and on soft soap from 1*d*. to ¼*d*. a pound.

Mr. *Charles Barclay* seconded the amendment. The amount of revenue obtained by the soap duties was 799,000*l*., deducting the drawback and the expense of collection. If his hon. Friend's reduction were acceded to, the amount of revenue obtained by the soap duties would be 555,000*l*.; so that his reduction would create a loss of 244,000*l*., supposing that only the same quantity of soap was consumed after the reduction as before. But as the reduction of duty in general produced an increase of consumption, he did not anticipate that the loss to the revenue would be more than half that amount, or 122,000*l*. Now, the Chancellor of the Exchequer had estimated the loss which the revenue would sustain in consequence of the reduction on newspaper stamps at 125,000*l*. He had the authority of the Excise Commissioners, with Sir Henry Parnell at their head, for saying that no trade suffered so much as the soap trade, from the great number of onerous regulations to which they were subject in order to prevent fraud and illicit manufacture, but which it had become altogether impossible to act on in practice. The effect of reducing the duty in 1833 had been considerable, the increased manufacture of soap in the country having already exceeded seventy per cent.; while it was a curious fact, that in London and in Scotland there had been a reduction. He did not believe that the reduction of the duty on soap would be any great relief to the agriculturists; he believed that no tax which the Chancellor of the Exchequer could give up would be regarded as an adequate boon to the landed interest; and he very much feared any great reduction could not be made without leading very soon to an alteration in the corn-laws, which, having been in that House, and consented to their imposition in 1815 and 1826, he still believed to be essentially necessary for the protection of the landed interest. But he would support the proposition of the hon. Baronet, because it would relieve the honest trader from the unfair competition of the illicit manufacturers. It was of the utmost consequence that the contraband trade should be put an end to, because the House should know that Wales was supplied with soap entirely from Ireland, where no duty was paid, and it was well known the drawback was allowed to a much larger extent on the export trade of Liverpool, than had originally been paid by the manufacturers. Much good would therefore necessarily result from the suppression of smuggling, and especially if conjoined with the adoption of the hon. Baronet's proposition, But, apart altogether from this view of the subject, he had a decided objection to the reduction of the duty on newspapers. One of the arguments in favour of that reduction made use of by the right hon. Gentleman was the difficulty, if not the impossibility, of enforcing the penalty against those who evaded the present state of the law. Now, in his (Mr. Barclay's) opinion, no duty could be more easily enforced; because at the bottom of every sheet the printer's name was uniformly to be found, and was not the printer liable? He firmly believed the duty might be enforced, but unfortunately a spirit of opposition had been raised to those duties as unpopular; and when he recollected the example which had been set by a noble lord (Earl Fitzwilliam), during the discussions on the Reform Bill, refusing to pay all taxes, and the threat held out by another hon. Member in that House, if the Chancellor of the Exchequer refused to reduce the particular duty on newspapers, he did not wonder when such a course had been taken by those in responsible situations, the poor and ignorant had been deluded by their pernicious example. The hon. Baronet who preceded him had already informed the House that there was no want whatever of newspapers. Every individual, there could be no doubt, to whom Parliament had given the elective franchise, had already ample opportunities of possessing and reading the newspapers of the day, whether at the public-house, beer-shops, or coffee or public reading-rooms; and he was confirmed in that opinion by the increase which had of late years taken place, estimated at sixteen per cent., in the papers which paid the stamp duty. He was persuaded, under these circumstances, that the country would not be a whit wiser, better, or happier by the remission of any portion of such a tax. He could not well conceive on what grounds the Chancellor of the Exchequer could justify his present course; indeed, he believed he never could have adopted it had it not been unwillingly forced upon him. If left to himself, he firmly believed the right hon. Gentleman would have selected a tax much more important in itself, and in its remission much more likely to prove generally beneficial; but he found it impossible to resist the persuasion of thirty Members of Parliament who had interviews with him at the Treasury, and some of whom were represented to have used language which he (Mr. Barclay) did not believe could have come from any Member of that House. As he had already stated, those individuals whom Parliament had intrusted with political power had sufficient opportunities of consulting the public newspapers as at present published; but the cheap papers, with all the trash they purveyed, were directed to those who had had not been invested with political power, but to whose physical force so many appeals were made in that House. If the plan of the right hon. Gentleman were adopted, they would soon hear of 14,000,000 in this country demanding new rights and privileges, as they were now accustomed to hear of the 8,000,000 elsewhere and justice for Ireland. Yes, justice for England, and justice for Ireland—asking for justice and receiving a stone! The greatest benefit had arisen from the reduction which had taken place in the beer-tax, both with respect to increased consumption and improvement in the quality of the article; similar advantages had already attended the partial remission of the duty on soap, and, believing that greater good would flow from the adoption of the proposition of the hon. Baronet than from the plan of the right hon. Gentleman, he should cordially support the amendment.

The *Chancellor of the Exchequer* said, that in replying to the observations made by the hon. Baronet, the Member for Northamptonshire, he should not only state his objections to the amendment, but, at the same time, he should also give the reasons which induced him to prefer his own proposition and to recommend it to the House, and which he trusted would induce the House to sanction it. Before, however, he went into the observations which he intended to make on this part of the subject, he would make a few remarks in reply to what had fallen from his hon. Friend who had just sat down. The hon. Member had asserted that he did not bring forward the proposition which he had submitted to the House, in consequence of preferring it, but because it had been forced on him by a certain number of Members of Parliament who sat behind him, and who generally gave their support to the Government. In reply to this assertion, he would only say, that he never would make a proposition in that House which he did not conscientiously think would be for the benefit of the country. Let there be a confederacy on one side for obtaining the total abolition of the stamp duty on newspapers, and on the other side for the continuance of the present duty, and instead of it a reduction of the soap duty, he would merely say that it was his duty to do that which he believed to be most beneficial, without regard to the consideration, whether his proposition would be successful or not, on this side of the House or the other. The hon. Gentleman had very slightly observed what had been going on, if he thought that the proposition had been forced on him. During the sixteen years that he had been in Parliament, he had never met with so much abuse and obloquy, both spoken and written, as had recently been heaped upon him by certain hon. Gentlemen, in consequence of the scheme which he had proposed, and thus either to dissuade him from bringing it forward, or to induce him to withdraw it, and make a proposition of a very different kind. The hon. Member for Surrey had at least rendered it less necessary that he should make any observations on one part of the speech of the hon. Baronet; for the hon. Member had said, with perfect truth, that if he were asked whether the adoption of the proposition of the hon. Baronet could be regarded as a boon to the agricultural interests, that he would reply that he did not, for one moment, suppose that there was any ground for such an assumption; for that he, as a practical man did not believe that it would give them any relief. The hon. Baronet, in proposing a reduction of the duty on soft soap, was most liberal, for no portion of the agricultural interest could in the slightest degree, be benefitted by it; for nearly all the soft soap that was manufactured in this country was made from oils which were the produce of other countries, and which were imported for the purpose. But the proposition which the hon. Baronet had brought forward was inexpedient as a financial measure. He objected to it, on grounds which he would very shortly state to the Committee. In the first place the soap duty was a gradually increasing duty, while the stamp duty on newspapers was a diminishing duty. He contended, therefore, that he was justified on every sound principle of finance in pursuing the course which he proposed, when he found from the finance statement on the table that the duty on soap was increasing, while the productive amount of the newspaper duty was diminishing. He would not detain the House very long with this part of the subject, but he would direct the attention of hon. Gentlemen to the comparative duties on soap and newspapers within the last few years. He would take the years 1831 and 1835. In the year 1831 the quantity of hard soap on which duty was paid was 109,000,000lbs. In 1835 the quantity had increased to 135,000,000lbs. With respect to soft soap, which appeared to have been selected by the hon. Member as a special object for his protection, there had been a great increase in the consumption. In 1831 the quantity of soft soap on which duty was paid was 9,600,000 lbs., and in 1835 the quantity was 12,103,000lbs., showing an increase of nearly a fourth in a very short interval of time. The stamp duty on newspapers did not show the same result. In 1831 the amount of duty on newspapers was 483,000*l.*, while in 1835 it had diminished to 455,000*l.* This was a very considerable reduction. The next element for consideration was, whether they should give relief in one quarter or the other—whether they should give something to that to which a considerable share of relief had already been afforded, or to an article which was placed under a disproportionate duty, and which was struggling under a heavy tax. It happened with respect to the soap duty that it was reduced one-half a few years ago, on the proposal of his noble Friend, Lord Spencer, who was then Chancellor of the Exchequer. The soap duty was then reduced to the rate which was paid during the reign of Queen Anne. The stamp duty on newspapers was kept up to the highest amount of duty ever imposed. He, therefore, would not add to the relief already given to the soap trade, but would give relief where it had not previously been afforded. The hon. Gentleman had alluded to the very great increase that would take place in the consumption of soap, if his proposition was carried. But he was prepared to show, that no very great increase would take place in the consumption of that article, if the resolution of the hon. Baronet was carried; but that a loss to the public revenue would be occasioned, of not less than 260,000*l.* a year. The hon. Baronet, in order to prove his statement, referred to the authority of the Commissioners appointed to inquire into the operation of the Excise laws, and which he had pointedly urged, had been appointed by the present Government, which, therefore, should attend to their recommendation. But he would ask the hon. Gentleman whether he was prepared to assent to carrying all the recommendations of the Commissioners into effect? and more especially with respect to the soap trade? For instance, would he propose, as they recommended that the soap duty should be extended to Ireland? The hon. Baronet called upon the House to vote for a proposition which, he said, was recommended by the Commissioners; but from fear of not obtaining the support of certain Irish Members to this proposition, he abstained from saying that he would support the other recommendation, that the soap-duty should be extended to Ireland. He had, however, on this subject, in his possession, documents which he thought would be conclusive to the mind of even the hon. Member, who might be supposed wedded to his own proposition. They had already made a reduction of one-half of the soap duty—namely, from 3*d.* to 1½*d.* per lb. He would ask the House to consider what effect this reduction had had as regarded the increase in the consumption of soap, and then judge what would be the effect in making a further reduction. Since the duty had been reduced to 1½*d.* per lb., there had been an increase in the consumption of soap of about 10,000,000 lbs. To make out the case, then, which had been stated by the hon. Gentleman, he must show that although the reduction of 1½*d.* a lb. duty had produced an increased consumption of 10,000,000 lbs., that a reduction of a halfpenny a lb. would produce an increased consumption of 60,000,00lbs. a year. He had already said that the soap duty had been reduced to the *minimum* which was pad when the tax was first imposed, namely by the 7th of Anne. In 1782, the tax was increased two-pence farthing a lb.; in 1816, it was increased to twopence halfpenny; and in 1818, it was increased to three pence; and in 1834 it was reduced to three-halfpence a lb., the same amount of duty that was paid in the reign of Queen Anne. With respect to the impediments which the excise regulations threw in the way of the soap manufacturers, he had a few remarks to make. He should be sorry if his hon. Friend, the Member for Surrey, supposed that he thought the laws regulating the soap trade required no alteration. He admitted that they did, and he felt satisfied that if they could be altered, it would give great relief to the trade. These regulations were only justifiable on the score of affording security to the revenue, and if these restrictions could be removed without injury to the revenue, it would be the duty of Government to remove them. He hoped that, if not during the present session, at least at the commencement of the next session, he should be able to introduce a Bill to make certain alterations in the law as regarded the restrictions in this trade, so as to afford relief to the soap manufacturers. There was nothing, however, in the statement of the hon. Gentleman to justify the reduction of the duty in the assumption that there would be an increase of consumption, and above all, when there was another and more pressing object which required the attention of the House, So much for soap—he would next proceed to the more material question before the House. He believed that they would then have heard little respecting the reduction of the soap duty, if it had not happened that both in that House and out of it there were gentlemen who were altogether opposed to the reduction of the duty on newspapers. The hon. Member for Surrey probably entertained that opinion, as he cheered the observation. He believed that the fact was, that the reduction of the soap duty had been started against that of the newspaper duty; and if the latter had not been proposed, they would not have heard a word from Gentlemen opposite respecting the former. The real question they had to ask was, whether the House was prepared to agree to a reduction of the stamp duty on newspapers? He asked for the deliberate judgment of the House on this subject—he asked them to weigh well the arguments which he should adduce on the subject, and he trusted that he should be able to induce each party to give up something by showing that the public interest required it. He had to contend against two classes of opponents. He did not bring forward his proposition as a means of getting popularity, for he had only met with vituperation and attack for having brought it forward, and with the strongest opposition from those who on former occasions originated motions similar to that which he now submitted to the House. The proposition he made did not originate with the view of gaining popularity, but was a grant and concession to public necessity and expediency. He thought that there would be no difficulty in showing that if they left the duty on newspapers as it was, they would run the risk of finding the opposition to that duty carried much further than at present. It might lead to a general violation of the law, and a general disposition to encourage those illegal publications. It also should be recollected, that allowing things to remain as they were would be a want of justice on the part of the Legislature towards those parties who paid the duty. He would address one argument on this part of the subject to both parties—to the class that objected to any reduction in the tax of newspapers, and to those who demanded the abolition of the whole tax and who objected to any duty. First, then, to the hon. Gentlemen who objected to any reduction. He had already said that the amount of duty on newspapers had been in a gradual course of diminution since 1831. In that year the amount of duty was 483,000*l.*; in 1832 it was 473,000*l.*; in 1833 it was 445,000*l.*; in 1834 it was 441,000*l.*; and in 1835 there had been an increase in a trifling degree, for the duty was 455,000*l.* So that there had been a gradual reduction in the amount of duty for some years; and that under circumstances which he believed that any hon. Gentleman would admit warranted the supposition that there would have been an increase. He would ask whether the education of the people had diminished, their anxiety for information lessened? There could be no doubt as to the facts of the case. It was a matter of regret on one side, it was a subject of rejoicing on the other, that the thirst for political information had been greatly increased by the political changes which had recently been made. If something did not impede this species of knowledge, the amount of the tax, instead of showing a diminution, would exhibit a great increase. In this, as in other cases, the revenue had sustained a loss in consequence of the duty having been raised beyond the legitimate amount which should have been imposed. Gentlemen were aware that the stamp-duty was first imposed in 1712, and was at the time strongly opposed by some great authorities. The opponents to the newspaper-tax which he alluded to were not great Radicals or innovators, or in any way hostile to the institutions of the country. The great opponent of the tax was Mr. Addison, who then filled the office of Secretary of State. He anticipated what was soon realised—that the duty which it was proposed to impose, and which was comparatively a high one, would lead to a decay of this branch of literature. In a paper in *The Spectator*, of the date of the 1st of August, 1712, the day the tax came into operation, he makes the following observations:—

"This is the day on which many eminent authors will probably publish their last words. I am afraid that few of our weekly historians, who are men that, above all others, delight in war, will be able to subsist under the weight of a stamp, and an approaching peace." * * In short, the necessity of carrying a stamp and the improbability of notifying a bloody battle, will, I am afraid, both concur to the sinking of those thin folios which have every other day retailed to us the history of Europe for several years last past. A facetious friend of mine, who loves a pun, calls this present mortality among authors, "The fall of the leaf." There was still the same effect which Mr. Addison complained would flow from the tax. It might easily be shown that but for this tax there would be a much greater number of newspapers printed and sold, and Mr. Addison had shown in the first instance it had led to the same result. But did hon. Gentlemen entertain doubts as to whether the people were anxious for the species of knowledge diffused by newspapers? If hon. Gentlemen did, let them boldly own it. But the truth was, that they were afraid to trust the people with this species of information. But he would not be a party to withhold it from them. The hon. Member said, that the people had already the means of obtaining the species of knowledge conveyed in newspapers, and he said, let them go to the public-house or the coffee-shop, and they would see a great number of newspapers of all parties for a very trifling sum. The hon. Member had read a list of papers which were furnished to a coffee shop. There was *The Standard* for one party, and *The Morning Chronicle* for the other; and he heard *The Lancet* mentioned in the list of papers read. For his part, however, he would rather that the poor man should have the newspaper in his cottage than that he should be sent to the public house to read it. He knew that at present the newspaper was one of the great attractions to take the poor man from home to visit the public house. If, therefore, the adoption of this proposition tended to keep the poor man at home it would afford a great moral aid to the improvement of the people. He had the authority of Dr. Johnson for saying, that the diffusion of knowledge amongst the people by means of newspapers was one of the most efficient modes by which knowledge could be imparted. He believed, however, that there had been a great deal of exaggeration on this subject. He was of opinion, that newspapers were not absolutely necessary for the diffusion of knowledge, and he had heard that it had been stated by parties out of doors, that the diffusion of all useful knowledge was confined to newspapers. This was an exaggeration as great as that on the other side, which said that no useful knowledge could be obtained from newspapers. Newspapers afforded the means of diffusing political knowledge, and that of a very important character, but he denied that they constituted the chief means. There was knowledge of a higher character than could be conveyed in this way. There was a definition of knowledge by one whose word would carry much greater influence and authority than he could command—he meant Lord Bacon—which showed that it was of a higher nature than could be conveyed by means of the columns of a newspaper:—"Knowledge," said Lord Bacon, "is not a couch whereupon to rest a searching and restless spirit; or a terrace, for a wandering and variable mind to walk up and down with a fair prospect; or a tower of state for a proud mind to raise itself upon; or a fort or commanding ground for strife and contention; or a shop for profit or sale; but a rich storehouse for the glory of the Creator, and the relief of man's estate." Suppose that he were for a moment, for argument's sake, merely to assent to the proposition of hon. Members opposite—suppose that he were for argument's sake, to assume that the free circulation of political knowledge, by means of newspapers, was an evil, and that restrictions ought to be put on this extended promulgation of that species of knowledge;—assuming this, he would still ask hon. Members—looking at the present state of the law, and the practices which went on in spite of it—whether they thought it would be possible to keep up the exclusive circulation of what they were pleased to consider as the only sound political knowledge, by the means of high-priced newspapers. Certainly not. On the contrary, it was well known that in the metropolis, and through all the ramifications of trade throughout the country, an active agency was constantly and necessarily kept in operation for the purpose of violating the law, and of extending throughout the community, not newspapers such as he contemplated, paying a stamp duty to Government, but newspapers paying no stamp duty, got up, printed, published, and distributed upon an organized plan, by parties who set out with the express purpose of violating the law, and who in consequence of the cheapness of their commodity succeeded but too generally, in usurping the place of newspapers paying the stamp duty. He was far from being opposed to the principle of cheap newspapers; but he was decidedly opposed to illegal newspapers, and to all violations of the law. He was opposed to them, in the first place, because the parties who were engaged in such practices were, necessarily, not persons fit or qualified to diffuse sound instruction among the people; for no man of honest principles could lend himself to practices involving the direct violation of the laws of his country. It was, however, a matter of certainty, that to a very large extent indeed, cheap publications of that character were diffused throughout the country, confided to the management of persons who approached the subject with a full knowledge that they were violating the law, and subjecting themselves to fine and imprisonment; and, moreover, addressed to a market confined to a class of persons who were fully aware that the commodity purchased by them was an illegal one. This was a state of things which those who desired to keep up the character of the press must be most anxious to put an end to, but which was not to be put an end to, by retaining high-priced newspapers. He would just state to the House the extent to which this system had already gone. The total number of stamps taken out for English newspapers in the twelve months appeared from the returns to be thirty-six millions. Now, upon one single occasion, when the officers connected with the Stamp-office effected a seizure, they found, on the Thursday, an incomplete publication of an unstamped newspaper, which was to be given out on the Saturday, but which even on the Thursday, when incomplete, amounted to not fewer than forty thousand in number. Thus it appeared that one single unstamped newspaper had created for itself an annual circulation of upwards of two millions, being equal to one-eighteenth part of the whole circulation of all the stamped newspapers of the country. Such was the present condition of the unstamped press, and it was understood that the parties engaged in the traffic entertained every prospect of greatly extending the trade. In reference to unstamped newspapers, he had been placed in a singularly unfortunate position, between the fires of two parties, one of which abused him for going too far, the other attacking him for not going far enough in his endeavours to repress this illegal traffic. Whenever the subject had been mooted he had been charged, and justly charged, if it were a charge, by Members on his own side of the House, with enforcing the law to the utmost extent against the violators of the Stamp Acts, and with having dealt out fine and imprisonment with too harsh a hand; while from the other side of the House he had been violently inveighed against for not enforcing the law to the utmost extent, and for not dealing out fine and imprisonment. He could only say, that it had been his endeavour by every possible means to assert the law and protect the honest trader, by putting in force all the enactments against the dishonest trader; but he had found it quite impossible effectually to put down the contraband trade. In addition to these he had had another party to deal with—a party most vigilant in their observation of the proceedings of Government—he alluded to the stamped press itself, who had every right to come to Government and say, "We pay all the duties imposed on us by the law, and thereby contribute largely to the financial resources of the country, and we therefore require of you that you equally enforce obedience to the law upon all our competitors." With these parties he had been in constant communication; and upon the first occasion they had complained that the efforts of Government to check the evil had not been sufficiently strenuous, he had put to them to suggest any mode conformable to law, by which they conceived the proceedings of the unstamped press could be checked both in town and country, but nothing had been pointed out adequate to the emergency. Again, after exerting every means in their power to repress this illegal trade Government applied to the law-officers of the Crown, stating what had been done, and asking their directions as to any further proceedings and were informed by these functionaries that they had already resorted to all the means afforded by the existing law for preventing the publication of unstamped newspapers. The law-officers of the Crown at the same time stated that the existing law was altogether ineffectual to the purpose of putting an end to the unstamped papers. One of the greatest difficulties to which they were exposed was as to the proof of the printing. The law certainly laid it down that the names of the printer and publisher should be affixed to every paper, but there was no guard against such names being forgeries or altogether fictitious, and this species of fraud was committed every day. Every law which bore upon the printing, the publishing, and the distributing of unstamped newspapers had been enforced with that strictness which Government considered due to the law and to the honest trader, but though many individuals offending against the law had been punished, and many seizures made of the illegal publications, the fraudulent system had not been materially checked. On the contrary, the system had been encouraged in consequence of the sympathy which the persons punished succeeded in creating throughout the country in their behalf. Mr. Cleave, for instance, had been, for repeated violations of the law, four times fined and twice imprisoned, and what was the consequence? Why, no sooner was it known that he had been amerced in the penalties laid down by the Act, than throughout the country subscriptions were set on foot for the purpose of paying them off. Thus, as was the case also with Mr. Hetherington, not only was the law violated, but the party violating it was made the object of general sympathy and support. There had been prosecutions for printing, prosecutions for publishing, prosecutions for selling in the shop, and prosecutions for selling in the street, but all these efforts had failed to effect the desired result. Convictions had been obtained, imprisonment had been inflicted, and fines imposed on the persons convicted, much individual suffering had been the result, but it had attracted public sympathy and gave men reward for violating the law. Within a few months not less than 110 persons had been convicted and punished for selling unstamped newspapers in shops, and 300 persons for selling them in the streets, but all without producing any practical removal of the evil; for no sooner was one man put in prison for these illegal practices, than another was readily found to supply his place. The hon. Member for Surrey had only to consult the records of Kingston gaol to see how the evil had been felt in that part of the country, as well as everywhere else. Indeed, through the whole of the country, the circulation of unstamped newspapers was going rapidly forward, for the law, as it at present stood, was altogether inadequate to repress the practice. The question was, then, whether that state of things should be suffered to continue? Was there any man who would justify it, or say that newspapers ought not to be treated like other commodities, the high duties on which encouraged smuggling. A charge of remissness had been brought against Government by Members on the other side of the House; he might mention that a greater number of prosecutions had been brought forward by the present Government for violations of the law in this respect, than had been carried into effect during the time that the right hon. Member opposite, was at the head of the Administration. He did not mention this with any view to assume greater merit in this respect than was due to the former Administration, but merely in answer to those who asserted that it was the inefficient endeavours of the present Government to repress violations of the law which was the cause of the evil, and not the inefficiency of the law. But it might be said "We admit all this, we admit that the law is not sufficiently strong to meet the case; we admit that you have done all that lay in you for the purpose of enforcing the law; we admit the large accumulation of unstamped newspapers; but we tell you the remedy will not be found in the reduction of the duty, but in the increased severity of new enactments." He was not disposed to adopt that doctrine. He would not consent to take any steps towards increasing the severity of the law, in any case where he believed it would be altogether ineffectual to the purpose for which it was intended, and where he believed the same result would be obtained by other and better means. If they continued 100 per cent. duty upon newspapers, increased the provisions of the law, and added to the severity of its administration, he would fairly tell them, that with the system now existing—with the rapid power of printing—with the great anxiety on the part of the people to obtain the description of knowledge circulated in unstamped publications, they and their severe laws would not remove the evil complained of, so long as they continued by a high tax an inducement to violate the law. He did not mean to say he was content with the existing law; neither did he come to that House under the false pretence of asking for a reduction of the stamp-duty to 1*d.*, without having adequate means to propose to collect that 1*d.* This was a matter they would have to discuss when the Bill should be more immediately before the House. But he begged to tell hon. Gentlemen opposite, that there would be no provision inserted in that Bill by which the Press would be in the least degree fettered, though care was taken that, if Parliament agreed to reduce the duty as he proposed, full means should be given to Government of enforcing the duty which remained. Was it not their duty to protect the Press of the country, which paid so large an amount of contribution to the revenue, against the invasion of those parties who paid none, and continued to maintain this unequal and unjust advantage? He should like to know, if in a question of revenue of an ordinary character, it were stated, that the existence of such a high duty as that upon newspapers was most unjust, and that a diminution of it was absolutely necessary to protect existing interests and prevent a violation of the law, if such a statement would be controverted. He was sure no one would attempt to deny that such a duty ought to be repealed; and he thought it most expedient that the House should pronounce an opinion on the subject with reference to the threat on the one hand of the absolute necessity for a total repeal of the duty; and, on the other, to the threat of all the evil consequences that were to attend the opening of this branch of mercantile speculation, for so he considered it. He appeared there to argue against the maintenance of a stamp-duty of 4*d.*, and in justification of retaining a stamp-duty of 1*d*; and he would now proceed to state the grounds upon which he made the latter proposition. In the first place he was maintaining the old duty—he was reducing it to the amount at which it stood so long back as the reign of Queen Anne; and the progress of it had been thus:—From the accession of George 3rd, in 1760, to 1776, it had been 1*d.*; from that period to 1789, 1½*d.*; up to 1797, 2*d.*; and from that up to 1815, 2½*d.*; in which year it was raised to its present amount, 4*d.* Now, he would say, that if his proposition were to be more enlarged, it would be impracticable. He believed to the total repeal of the stamp-duty on newspapers the majority of that House would not consent, and therefore did he prefer making a proposition in which he had been led to hope he should be supported by a majority. But, besides that, he held they had a right to 1*d.* stamp, and that it would be essential for the best interests of the Press itself, inasmuch as it would afford to newspapers a free circulation by post. He would observe, in passing, that no proposition he had ever heard made for establishing a posting duty had appeared to him more desirable in itself, or more favourable to the Press, than that which he now made. But he would go further in reference to the present conjuncture of affairs, and here he would make an appeal to hon. Members who were so eager for the total abolition of the duty—he would go further, and say, that if he were to propose its entire abolition, he should give up his proposal for a reduction of the duty on paper, which he had made, not only with reference to newspapers, but literature in general. He considered it infinitely better to make a partial reduction upon the newspaper stamp-duty, and also to reduce the duty on paper, than to extend the whole amount to the reduction of the stamp-duty upon newspapers. With regard to the general argument, that this was a tax upon knowledge, would those who thought so deny that books were elements of knowledge as well as newspapers? Would they deny that he was doing justice to literature generally by making a reduction upon paper? They could not deny that; and he could tell them, that unless he was able to retain something upon newspapers, he would not be able to reduce the duty upon paper generally. Now, his hon. Friend, the Member for Middlesex, whom he did not see in his place, was one of those who objected to the 1*d.* stamp, and yet that hon. Gentleman was the very individual who, in 1825, brought forward a proposition for reducing the stamp-duty on newspapers, not to 1*d.*, but to 2*d.* On that occasion he entreated the attention of the then Chancellor of the Exchequer to his proposal, and in general terms said to that right hon. Gentleman, "that he would guarantee him against any loss to the revenue by a reduction of the duty from 4*d.* to 2*d.*; and that so anxious was he on the subject, he would almost become personally responsible, if at the end of the year any loss had accrued." The Chancellor of the Exchequer of the day however said, that although he would be glad to accept of the hon. Member's guarantee, yet that, when they had to deal with 450,000*l*. of the public revenue he should wish to have a security of another description. The proposition of the hon. Member for Middlesex was accordingly resisted. On a later occasion—in the course of last Session—an hon. Friend of his, the hon. Member for Lincoln (Mr. Edward Lytton Bulwer), had brought forward a proposition, which he very powerfully supported by a speech which those who heard it would not soon forget—the arguments upon the subject being most powerfully stated. What was the proposition then moved by the hon. Member, seconded by the hon. Member for Middlesex, and cheered by so many Members of the House? That proposition was to reduce the duty to 1*d*., allowing that penny for the circulation of the paper by the post. The proposition he (the Chancellor of the Exchequer) had, at the time, expressed his regret, that he could not accede to, by reason of the then state of the finances, but he had also stated, that he would take the earliest opportunity himself of bringing forward such a proposition. He trusted that the House would admit, that he had now redeemed his pledge. He had brought forward the distinct and specific proposition which the hon. Member for Lincoln had expressed his desire to see carried into effect. Yet now, because he took that course—because he had kept his word—because he had done that which the hon. Member had endeavoured to do, not only the hon. Member, but many of those hon. Members who had supported him on the occasion alluded to, had attacked him in a most undisguised, in a most unremitting, he would say, in a most cruel manner, had charged him with forgetting every promise, and disregard of the public interest, although he had not only done that which he was expected to do, but had proposed a considerable reduction of the duty on paper. He had done this, not, he might without offence say, because they had asked him to do it, but because he considered it just and right, and calculated to promote the public advantage; because he considered it due to the station he had the honour of filling; because, having pledged himself to the principle last year, he felt it right to act upon his pledge this year, and that the financial circumstances of the country were such as to admit of the reduction. The change which had taken place in the political condition of the country made it essential to communicate to the people sound political knowledge and information. He would say, that the security of that House, living, as it did, in the affections of the people—of the Government, possessing, as it did, the confidence of the people—and of the Monarchy, reigning, as it did, and as he trusted it ever would, in the hearts of the people, depended upon the diffusion of sound political knowledge. They had already given the people a 10*l*. political franchise; they had given, with municipal institutions, new political rights to inhabitant householders, and would they, ought they, or could they, now withhold from the people the means of judging of the passing events of the day? He had now an authority, by the publication of the votes of that House, in his favour. That was a question which had been much discussed and argued against; and yet on a second occasion, after it was agreed to, it was thought right to carry the principle further, and publish the name and vote of every hon. Member on the minutes. All this implied, that it was good and safe that what was known there should also be known elsewhere, and that what concerned the public in the Government of the country, should be judged of by the public through the medium of the Press. Admitting, then, this principle to be just, would it not be better to communicate knowledge to the people through the medium of the stamped Press, which was responsible to the country and the King, than to trust to the construction that might be put on all public proceedings by those men who were not recognised by the law, and whose illegal publications were largely circulated because easily obtained? One penny duty was, he thought, no more than might fairly be charged for the advantage of a free circulation. It would equalise the whole of the Press, it would raise its character, and it would enable those parties who were ready and anxious to give religious instruction to the people to combine it with knowledge of a political nature. There had been many pressing applications made to him on the subject of giving religious and moral instruction to the people, and in favour of his proposition. The hon. Member for Kent was aware of that. Persons who were desirous of diffusing knowledge of that description had hitherto been deterred by the enormous amount of stamp-duty. It was his fate to read much of the unstamped Press; indeed, some persons were kind enough frequently to send him packages of unstamped papers, with a view to prove to him the extent at which the smuggling had reached; and this he could say, that according as it had augmented in circulation, it had improved in quality. Since the first appearance of unstamped publications to the present moment their character had gradually altered, the reason of which was to be found in the fact of a wide circulation. A publication of limited circulation would be found to be supported by a particular class, for which it was prepared by exciting their passions and flattering their prejudices; but if they came to a largely circulated paper, they would find it must suit itself to the taste of the people, under restricted circumstances. He appealed to the hon. Members who had supported the proposition of the hon. Member for Lincoln, to assist him in carrying out that proposition. He did not think it would be just to repeal the whole amount of the duty, and he was anxious to make the relief as general as possible by also reducing the duty on paper. These were his grounds for reducing the stamp-duty to 1*d.*, and for retaining that 1*d.* He hoped also he had shown, that the reduction of duty proposed by the hon. Member for Northamptonshire was not one which would lead to the good consequences which he anticipated. That a reduction on soap would give relief to the agricultural interests he was sure no Gentleman in his senses could conceive. As to an increase in the consumption of that article, he had reason, by experience of the past, to knew that such would not be the result; and from the argument of the hon. Member for Surrey, that all Excise restrictions would be removed by the proposition, he entirely dissented, for there should be an Excise law to collect 1*d.*, as well as collect to a larger amount. He therefore asked the friends of the Exchequer to protect the revenues of the State—the friends of the law to assist him in maintaining its authority, and preventing its violation—and the friends of the institutions of the country to put an end to such a state of things, as he had described—not to allow the mode of communication to be through those who had been punished as the violators and evaders of the law, but through a legalised medium. Prosecutions and imprisonments were still going on day after day, bringing odium on the law itself, and he asked those who were desirous of protecting the due administration of justice to put an end to this system by supporting his proposition. The very offenders and criminals to whom he had alluded had become objects of universal sympathy. Subscriptions had been entered into, and the fines which were imposed had been paid by the contributions of the people; so that it was, in fact, a system which enlisted the sympathies of mankind against the law, and it behoved every good subject to endeavour to put an end to it. He was glad that he had an opportunity of defending his proposition, and it was his determination to adhere to it.

Mr. *Goulburn* said, he did not rise in a spirit of either personal or party opposition to his Majesty's Ministers, but simply to consider the abstract merits of the proposition before them: to discuss the question whether, having a specific amount of surplus revenue to dispose of, it was more consistent with the general interests of the country to apply that disposable revenue in reduction of the duty on soap, or in reduction of the duty on newspapers. To this question he should strictly confine himself, without entering into any discussion as to the proposed penny duty. The simple question was, whether they should not substitute for the right hon. Gentleman's proposition to reduce the stamp duty on newspapers, the hon. Gentleman's proposition to reduce that on soap. There was, perhaps, some little difficulty in explaining clearly why a preference should be given to the reduction of one duty instead of another, but there were certain principles which ought to govern the reduction, and these principles were so clear and so obviously just that few would venture to deny them. The first great principle was, that in effecting your reductions you should reduce that duty first, a diminution or repeal of which would effect the greatest proportion of benefit to the greatest extent—to consult the advantage of the whole community in preference to the advantage of a part. Another principle was this, that you should continue the burden as much as possible upon the luxuries and diminish it as much as possible upon the necessaries of life. Looking at the question before them, and bearing in mind these two principles of legislation, he was prepared to say, that he must give his opinion in favour of the proposition of his hon. Friend near him. Before he proceeded to discuss the particular question before them, he would just advert to a point touched upon by the right hon. Gentleman opposite. The right hon. Gentleman had stated, that the revenue was competent to bear the charge of the reduction of the stamp duties on newspapers, but not competent to bear the charge of a reduction of the duties on soap, because, as he said, he did not anticipate from a reduction of the duty on soap that corresponding increased consumption of the article which was essential to make up for the loss derived to the revenue from the decreased duty. Now the Report of the Excise Commissioners gave quite a contrary opinion, for they distinctly stated that any additional decrease in the duty on soap would lead to a corresponding increase in the consumption of the article, putting Ireland out of the question. The hon. Member for Surrey had accurately stated, that the former reduction in the soap duties had not been sufficient to enable the fair dealer to cope with the contraband dealer, but this object would be fully effected by the additional reduction now proposed. The consumption of soap had only increased since that reduction, in what he would call the rural districts of England. In London it had decreased. The year before the reduction took place, the quantity of soap brought to charge in the metropolis was 3,290,000lbs. The quantity brought to charge the year after the reduction had so far diminished as to show a decrease of half a million. In Scotland, the year before the reduction took place, the quantity of soap brought to charge was 11,300,000lbs. The year after the reduction the quantity was only 10,400,000lbs: thus, in both cases, clearly showing, that the reduction had by no means been sufficient to defeat the smuggler. In the rural districts of England, where there were not the same facilities to the smuggler to obtain improved material, some slight increase had taken place. An additional reduction of the duty was absolutely necessary in order to put the fair trader on terms at least of equality with the fraudulent trader. When the right hon. Gentleman contended that the reduction of the duty did not in this instance increase the consumption he should have taken the peculiar circumstances of the case into consideration. There was no occasion to go back to the time of Queen Anne for precedents. Since then everything connected with the manufacture had changed. It did not now require a bulky material in the shape of an alkali, which could not be brought into the premises without creating the suspicion of the neighbourhood and the vigilance of the excise officers. The improvements which had taken place in chemical science had given to the illicit manufacturer the means of introducing into his premises concentrated alkalies, in forms which were well calculated to elude suspicion, to evade the utmost vigilance, and to give the smuggler every possible facility of escaping detection. On the ground, therefore, of justice to the fair trader, and the maintenance of the integrity of the law, he thought the House would agree with him that a further reduction of the soap duty was a matter of the greatest importance. Now, with respect to the comparative merits of the two reductions proposed—the Chancellor of the Exchequer had contended, in the first place, that soap yielded an increasing duty and newspapers a decreasing one, and, therefore, according to a generally admitted rule in financial matters, the reduction should be made on the decreasing duty and not on the increasing one. With regard to the increasing duty on soap, it had already been shown that although there was a trifling increase on the whole, yet that in London, Scotland, and the large towns, there had been a decrease. With respect to the duty on newspapers, what had the right hon. Gentleman done? Why, he had taken as his standard the stamp duty of 1831, and with that he had compared the stamp duty of 1835. "The newspaper stamp duty of 1831," said the right hon. Gentleman, "yielded a net revenue of 483,000*l.*, and of 1835, only 450,000*l.*; and therefore it was a decreasing duty." But was the decrease such a continuing decrease as to justify this argument? If they looked to the average annual duty at successive periods of five years they would then come to a directly opposite conclusion. The average of the five years, ending 1825, was 398,000*l.*; of the five years ending 1830, 413,000*l.*; and of the five years ending 1835, 464,000*l.*; showing a continuing and a considerable increase of duty. But when the right hon. Gentleman selected the year 1831 as the period from which the stamps had in some degree declined, did he not recollect the degree of political excitement which then prevailed in this country? Did he forget the anxiety of all men at that period to obtain the earliest information of the proceedings of that House—proceedings of the highest interest, and which continued during a far greater portion of this year than was ever known before? Did the right hon. Gentleman forget that events of the greatest importance were daily occurring on the Continent, events which excited the strongest feelings of anxiety in the breasts of men of all parties; and, when, consequently, the information afforded by the press was more eagerly sought after, and its circulation necessarily higher than at any other period; and was it fair to take this period of unusual excitement as a fair criterion on which to found an average. It was a great mistake to imagine that the newspaper duty was a decreasing one. Allowing for the extraordinary circulation of the time alluded to, it had ever since been an increasing duty. In the year 1834 the gross produce was 507,373*l.*, and in 1835 521,909*l.*, showing an increase, and not a decrease. This was a sufficient proof of the unfairness of taking an extraordinary year as an ordinary standard. They all remembered the year 1813, and the public anxiety to obtain the earliest information of the great events then transacting in the theatre of Europe. In that year the newspaper duty rose to a higher amount than it ever before attained. He was not now stating what was merely his own opinion, but he appealed to what had happened on former occasions, with respect to the stamp-duty on newspapers, in support of his argument. The history of the year 1813 must be well remembered—the House must know how the anxiety of the public was kept alive by the great events which occurred in Europe during that year. Now what was the fact in 1813? The newspaper stamp duty rose in that year to a height that it had never before attained. It amounted to 394,000*l.*; and what was the consequence? In the succeeding year, from that amount it fell down to 363,000*l.*—a reduction nearly equivalent to that which took place between 1831 and 1834, and greater than that which took place between 1831 and 1835. The right hon. Gentleman was not accurate in saying that the duty was a continually increasing duty. He trusted, he had satisfactorily accounted for the decrease up to the last year; it was, at the present moment, an increasing duty. It was his firm opinion, that the newspaper stamp duty would go on gradually rising. His right hon. Friend said, that this was not an agricultural question, and he agreed with him, that it was not purely an agricultural question; but he agreed also with his hon. Friend near him, in so far as he said it was a question which affected the interest of every man engaged in agriculture on the one hand, however humble his station, and, on the other hand, that it also affected every man who was a manufacturer, however low or humble his station might be. The reduction of the duty on soap would affect every class of the community. Whatever the station of the parties, whether rich or poor, it would affect them all, but more particularly the poor, because to them it was not a source of comfort merely, it was essential to their health. And it affected not only those who had attained a certain age, but the benefit would be felt equally by the oldest and the youngest—it was as essential to infancy as to age, because it was necessary to health. Every reduction of the duty on soap contributed to the increase of the comfort, the health, and the enjoyment of every member of the community. Now, could they say the same of the newspaper stamp duty? Were not newspapers limited to a certain class? He found by the return of the number of stamps issued, that there were not more than about 300,000 persons who took in newspapers. The number, then, who took in newspapers, was the number who would be directly affected by the relief resulting from a reduction of the duty, and thus the relief would be limited to the 300,000. The soap duty, he had said, affected every member of the community; a reduction in that, therefore, instead of relieving only 300,000 persons, would give relief to fourteen millions of the population. He did not mean to say, that not more than 300,000 persons read newspapers—he only spoke of those who took them in, and he contended, that only they would be materially affected by the reduction. He knew very well, that every newspaper that was taken was read by a considerable number, and viewing the subject in that way, the relief would be equivalent to a twentieth part of the whole. The difference was between the twentieth part of a penny and 4½*d.*, and 3*d.* His right hon. Friend said, the duty on soap had been already reduced, and others must take their turn; therefore he now proposed to relieve the newspapers. It was true, that in 1833 there was repealed half the duty on soap, but was nothing done for newspapers on that occasion? Was not the duty on advertisements reduced in the same year from 3*s.* 6*d.* to 1*s.* 6*d.*? That was a great advantage to the newspaper proprietors. There was at that time a great deal of competition in advertisements in other channels, and the reduction enabled the proprietors of newspapers to reduce the price of advertisements, or to obtain more extended information than they obtained before the reduction of the duty. But the right hon. Gentleman told them, that in the present Session, for the further relief of the newspaper proprietors, he intended to repeal half the duty on paper, and the amount of that would be something considerable on every newspaper. Was that no relief? Bearing in mind the reduction of the duty on advertisements, he would ask, was the right hon. Gentleman justified in saying, that newspapers had had no indulgence shown to them? Had all the indulgence been shown to the manufacturers of soap? He viewed the two questions as standing equally before them, and he would ask the House, which duty ought they to repeal? He approved of the principle, that they should reduce first the taxes on the necessaries of life; but newspapers, in his opinion, came more properly under the head of luxuries. His right hon. Friend said, he wished to see the newspaper in the poorest cottage, and he was himself one of those who would not withhold from the humbler classes the instruction which they might derive from newspapers. But did his right hon. Friend imagine, that the reduction of the price of the newspaper from 7*d.* to 5*d.* would have the effect he desired? When they bore in mind the amount of the labourer's wages, did they believe that he would afford even a weekly newspaper, though the price should be reduced to 4*d.* That class of individuals were in the habit of associating for the purpose of reading the newspapers in common. A newspaper was generally taken in by the master whom they served; having been used by him, it went to his servants, and from them it found its way to the labourers; and thus the information which newspapers afforded was diffused amongst the population. The effect, then, of the reduction of the duty would be to relieve the master. If the newspaper were taken in at a public-house, the publican would gain the benefit, and no allowance would be made to the poor man, because the reduction was so small an amount that it would not be divisible. The greater part of the community, then, would derive no benefit from the reduction of the duty on newspapers. His right hon. Friend said, that his proposition would have the effect of putting an end to a species of smuggling. On this part of the subject he would appeal to the Report of the Excise Commissioners. "*Non meus hic sermo.*" Speaking of the reduction of the duty on soap, they said, they had no doubt it would materially reduce the smuggling that went on in that article. His right hon. Friend applied the principle to the reduction of the duty on newspaper stamps as a cure for the smuggling, but he must dispute that position. His right hon. Friend said, that there were parties who managed to undersell the daily press, by evading the stamp-duty, and he proposed to give some additional advantage to the daily press by reducing the amount of the duty. The duty, however, in this case, did not operate as it did in the case of spirits, where, if they repealed the duty, they put an end to the illicit dealing which resulted from the power of the smuggler to undersell the fair trader. He maintained that the power to undersell would continue even when his right hon. Friend had repealed his twopences on the stamps. What was the nature of the contest carried on with the daily press? It was the contest of men who went to no expense, against men who went to great expense, in providing the article which they offered to the public. The editor of a London journal went to an enormous expense to procure intelligence. He incurred a very great expense, if he might say so without being out of order, to obtain accurate reports of what occurred in this House. He went to a still greater expense for foreign intelligence; he had to establish foreign correspondents—expresses anticipating the arrival of the post brought him intelligence rom abroad. These were amongst the expensive arrangements that were made to secure early information to meet the wishes of those who took in his paper. Such, then, constituted the real tax which the morning papers had to pay. Talk of the twopenny stamp in comparison with these expenses, why, it was as nothing! And the man who edited the paper, taking the parts and information which his contemporary, who paid for them, had been to such an expense in purchasing, must ever come into the market on terms so advantageous, that as a set-off against them the amount of the stamp-duty was insignificant. When the duty was repealed would there not be the same attempts to get information, he might almost say, at no charge at all? The right hon. Gentleman had told them of the difficulty that had been experienced in the attempts which had been made to repress the unstamped newspapers. Would he be able to protect that press which paid for information, against that press which did not? Would he be able to prevent information obtained by *The Morning Chronicle* or *The Times*, at a great expense, from being made available by the publishers of the penny newspapers, while the others were published at 4*d*. or 5*d*.? and what would be the result if he could not prevent it? He would not say, that the daily newspapers would be ruined by the curtailment of their profits; but he would call the attention of the House to the more fatal consequences that would ensue to the general interests of the country. The editors of the present respectable papers, not able to compete with their antagonists, would be compelled to forego obtaining that information which was now so accurately given; the press generally would be reduced to this—they would no longer be able to give accurate information of what fell from hon. Members in this House, or of other events of great interest with the public. He feared that they would in this way lower the general tone of the press of the country, and prevent it from being the channel for the dissemination of useful information. He begged to warn the friends to the dissemination of knowledge amongst the people against lowering the tone of the press of this country. When he compared the daily press of this country with the newspapers of other countries that came before him, he confessed he was proud of its superiority. He saw that subjects were discussed in it on one side and the other with the greatest ability. Sometimes, it must be admitted, the daily papers yielded too much to the excitement which existed, but, generally speaking, they were distinguished by great judgment and temper. When he looked to the press of foreign countries, he found it occupied with long disquisitions on theatrical exhibitions and other things interesting to the people of those countries; but such matters possessed comparatively little interest for the people of England. When he looked at the newspapers of America, which were referred to as a model of what newspapers ought to be, he must confess he saw in the newspapers of England a superiority in the character, the style, and the manner of discussing political questions, which convinced him that if they had not the advantage of a low amount of duty, they had, nevertheless, some other advantages of a most important nature, which they derived from the amount of the duty, and their other press regulations. He was sorry, then, to find a measure introduced, such as, in his opinion, would tend materially to lower the character of the press, by causing the proprietors of the respectable portion to forego the expenses for information, which he believed to be essential to the proper instruction of the people through the medium of the newspapers. Looking at the two duties, he would say, that the repeal of the one would confer a great advantage on the mass of the people, whilst the other would confer only a limited benefit on a limited portion. The one would contribute to the health and add to the domestic enjoyments of the people, the other would give a small advantage to those who read newspapers. Under these circumstances, he had no hesitation in preferring the repeal of the duty on soap to the repeal of the duty on newspapers.

Mr. *Charles Buller* thought, that the right hon. Gentleman had shown very little acquaintance with the press of other countries. He was as little inclined as any man to give the palm of superiority to any other nation, but he should blush for our literature if he thought it as much inferior as he considered the daily press of this country was inferior to that of France. He would say that, at the present moment, there was no person of high political and literary character connected with the press of this country, who could at all compare in this respect with that distinguished writer M. Chateaubriand. The right hon. Gentleman opposite feared the character of the press of this country would be lowered, and he contended that there would be the same piracy as before. He said, the question was not the amount of duty, but the expense of acquiring information. Why, was the right hon. Gentleman aware of the existence of evening papers in this country, and that those evening papers copied almost entirely their information from the morning papers? Those who now dealt illicitly, after the reduction of the duty would no longer have the sympathies of the whole country in their behalf. This was a question to which the House should give its best attention. They might enforce what stamp duty they pleased; but they would not be able to enforce it while the feelings and opinions of the people continued the same as at present. Many hon. Gentlemen, it appeared to him, supposed that those who were anxious for the abolition of the stamp duty on newspapers, were so because by that means they hoped they might be able with the greater facility to distribute political tracts amongst the people. Those who supposed so, did him and others very great injustice, for their object was not to circulate political tracts, not to circulate political opinions, but to circulate facts connected with knowledge. It was not to circulate the Whig, Radical, or Tory doctrines, but to put the people in possession of whatever occurred in that House, or in any other arena of politics. He believed that none had suffered more than hon. Gentlemen opposite from the ignorance of the people. Experience ought to have proved to them that it was not their interest to keep the people in darkness. The excitement of the people was owing frequently to the exaggerations of falsehoods, and which were only credible on account of the ignorance of the people. That ignorance was to be attributed to the people not having information afforded to them on cheaper terms. Now, when the people decided respecting the Reform question, there was a great deal of exaggeration prevailing as to the defects of the system. He granted it—it was quite true, that there was that exaggeration. One reason, for instance, for the people thinking that Reform was necessary was, that in one part of the country they believed that the Archbishop of Canterbury had 80,000*l.* a-year. In his own county it was believed that the Dowager of a Peer's family, who had not even received one farthing of the public money, had a pension of 12,000*l.* a-year. This was considered to be another reason for reform. These were the exaggerations that prevailed, and it was hon. Gentlemen opposite who produced the state of things. Now he should say for himself and others, that Radicals or Reformers, or whatever else they might be, they knew the facts to be otherwise; they read the newspapers, and they knew how absurd such tales were. Those who opposed the circulation of cheap knowledge, acted most inconsistently; for they trusted the poor man with the franchise, and they would not give to him the knowledge of how he ought to exercise it. And yet they said those men were stupid, when their minds could be influenced and their actions decided by such arguments. Why, he said to such persons, "It is your own fault if they were wrong, and decided against you." He did not mean that hon. Gentlemen on the other side could gain much from the information of the people. They might depend upon it, that the power of public opinion would destroy all the abuses which those hon. Gentlemen sought to sustain. The question, then, was, whether these abuses should be removed by a well-instructed, moderate, and virtuous people; or whether they should be torn down by a fanatical and ill-instructed mob. The right hon. Gentleman stated, that newspapers were a mere luxury. He thought that when the right hon. Gentlemen said so, he connected them with all the agreeable associations connected with the breakfast-table. The question now he believed to be this—whether knowledge was a luxury or a necessary for the people? hon. Gentlemen opposite insisted it was a luxury; he, on the contrary, said there was nothing it was more necessary the people should have; and any Government would find to its cost how wrong it would act, when it sought to deprive the people of that knowledge which they deemed to be their dearest and most cherished acquisition. He wished now to say a few words upon another tax, between which and the stamp-tax there was a competition. He must say, that the right hon. Gentleman and other Members on that side of the House did him extreme injustice, if they supposed the right hon. the Chancellor of the Exchequer were about to take a portion from the soap tax that he should oppose that proposition. If that were the only question before the House he would vote for it; but the question was, which of the two taxes should be taken off? He never had been Chancellor of the Exchequer, and did not know how a gentleman in that situation felt. But, if he were

Chancellor of the Exchequer he should think that one great merit in a tax would be that he was able to get it. That single circumstance would be superior in his mind to many important questions. Another thing was, in which case was there the most smuggling? In which case would the alteration be the most beneficial? In the very first place, he did not see that there would be any great effect from the reduction of the soap duty. Taking the statement of the Chancellor of the Exchequer upon the Excise Report, it appeared that the number of pounds of soap used by each person was six and a half a year, so that the right hon. Gentleman's proposition to reduce the duty a-halfpenny a pound would be to give $3\frac{1}{4}d.$ a year to each individual in the country.

It was contended, however, that this reduction of one halfpenny would put down smuggling, though it appeared that the reduction of a penny halfpenny which had taken place already had not been successful in effecting that object. The reduction of this halfpenny, it was said, would effect wonders, which the reduction of the three halfpence had not been able to accomplish. "Take off this peculiar halfpenny," said the right hon. Gentleman opposite, in showman's phrase, "and you shall see what you shall see;" but, as he was not in the showman's box, he must be excused for not believing in the marvels. All that they had to judge of as to the effect of the reduction of three-halfpence which had already taken place—all they could judge of the effect of taking off the halfpenny—was by the words that had fallen from the right hon. Gentleman opposite. As it became expedient to turn out one Ministry or another some new plan was always proposed for the relief of the agricultural interest. They now proposed to take the tax off soap, but that would turn out for the benefit of the Russians. He supposed that Russia supplied one-third of the tallow that was consumed in this country, and that was always sufficient to regulate the market. Now if they took off this tax without imposing a tax on Russian tallow, they would be merely reducing the tax for the benefit of the Russians. He was told, upon good authority, that when the reduction on soap and candles took place, some time ago, the first evidence of the effect of it was in a letter from a Russian broker, advising his correspondent to keep back his tallow, for the effect of the reduction of the duty would be to cause a rise in the market. If a tax was to be taken off he contended that it ought to be taken off for the benefit of the English agriculturist, and it should be taken off in such a way as that every class of agriculturists would have a participation in the advantage of the reduction. If the question was to be between the two classes of agriculturists, those who represented the tillage interest would have claims far beyond those who represented the pasture lands. He did not support the repeal of stamp duties from party or factious motives, but from a desire to promote morality and order amongst the people. Nothing was easier than to answer argument by laughter, and it was a species of discussion in which those on the opposite side were eminently felicitous. Let them come forward, and show that it was for the interest of a great nation like this to keep the people in ignorance, and, having shown this, then it would be incumbent on them to show how they could reverse the proceedings of past years, and again reduce the people to their former state of political thraldom.

Lord *Sandon* referred to the report of the Excise Commissioners respecting the reduction of the duty on soap, to show that it had not the effect ascribed to it by the hon. Member for Liskeard. In the course of the observations made by the right hon. the Chancellor of the Exchequer, not one word was said by that right hon. Gentleman of the manner in which his plan for equalising the duties on Irish newspapers was received, nor was the House told of the number of public meetings called in that country to exclaim against it. It was his opinion as to the soap duty, that its reduction would be beneficial to the country at large. By repealing that duty it would get rid of a great many vexatious Excise regulations. With respect to the press he felt bound to say this, that he was greatly surprised to hear the hon. and learned Gentleman say, that newspapers which were inferior in price to the English newspapers were superior to them in talent. One who had travelled recently in America did not concur with him in that opinion, for he declared that every vulgar fool who could call names, might set himself up as a newspaper editor:—"Our newspaper and periodical press is bad enough. Its sins against propriety cannot be justified, and ought not to be defended. But its violence is weakness, its liberty restraint, and even its atrocities are virtues, when compared with that system of brutal and ferocious outrages which distinguishes the press in America. Newspapers are so cheap in the United States, that the generality even of the lowest order can afford to purchase them. They therefore depend for support on the most ignorant class of the people. Everything they contain must be accommodated to the taste and apprehension of men who labour daily for their bread, and are of course indifferent to refinement either of language or reasoning. With such readers, whoever 'peppers the highest is surest to please.' Strong words take place of strong arguments, and every vulgar booby who can call names and procure a set of types upon credit may set up as an editor, with a fair prospect of success. In England it is fortunately still different. Newspapers being expensive, the great body of their supporters are to be found among people of comparative wealth and intelligence, though they practically circulate among the poorer classes in abundance sufficient for all purposes of information. The public, whose taste they are obliged to consult, is, therefore, of a higher order; and the consequence of this arrangement is apparent in the vast superiority of talent they display, and in the wider range of knowledge and argument which they bring to bear on all questions of public interest. How long this may continue it is impossible to predict, but I trust the Chancellor of the Exchequer will weigh well the consequences before he ventures to take off, or even materially to diminish, the tax on newspapers. He may rely upon it, that bad as the state of the public press may be, it cannot be improved by any legislative measure. Remove the stamp duty, and the consequences will inevitably be, that there will be two sets of newspapers—one for the rich and educated, the other for the poor and ignorant. England, like America, will be inundated by productions, contemptible in point of talent, but not the less mischievous on that account. The check of enlightened opinion—the only efficient one—on the press will be annihilated, the standard of knowledge and morals will be lowered; and let it, above all, be remembered that this tax, if removed, can never after be imposed." Such was the testimony of the author of [illegible] nd Manners in America as to the state of the American press, and no opinion would be more decisive. One argument used by the right hon. Gentleman for the reduction of the newspaper stamp duties was, that the papers should be protected against smugglers. It was his opinion that the right hon. Gentleman would have to make the same struggle against the smuggler with the newspaper that cost 5*d.*, that he would have with a newspaper that cost 7*d.* This was, he considered, made as one of the many already made in the dangerous course of concession which Ministers were pursuing. The general feeling, he believed, was not at all so occupied upon this subject as some supposed it to be. It was like many others, in which petitions were procured, as they could be procured upon any other subject, they showed the anxiety of some individuals, but not the feelings of the people. He believed that the country would be more gratified if the manufacture of one of the first necessaries of life were relieved, and the article itself could be procured at a cheaper rate. The manufacture of that article was now arrested by Excise regulations, and which regulations it was necessary to maintain against smugglers. The reduction of the duty would be followed by the removal of these oppressive Excise regulations, and the consequences would be, that they should not see the article sold at a cheaper rate, but the foundation would be laid for an export trade most advantageous to this country.

Mr. *Buckingham* observed, that a great portion of the crime which prevailed in the country originated in ignorance. The people had not information, and although they had a vast body of laws, the people were not informed of them. Another pregnant evil which resulted from the present system was, that it was in the beer-shop and the gin-shop only that the operative could obtain the perusal of a newspaper. With regard to the counter-proposition of the evening, he was not disposed to deny the advantages of having a cleanly population, but he thought it much more important that they should be instructed, for they would then soon find out the value of cleanliness themselves. As long as the present heavy tax was imposed upon newspapers, an enormous circulation was required before the publishers were repaid, and the consequence was, that they had to pander to all sorts of tastes in order to find sufficient readers; there was foreign news for one class, scandal for another, abuse for the third. The poorer classes of persons were perfectly astonished to see how the rich could tolerate the abuse and private scandal which loaded the periodical pages of the present day. With respect to the present proposal for the reduction of the newspaper stamp duty, he must be permitted to say, that for his own part he should rather prefer a graduated *ad valorem* duty, extending as low as a farthing on a penny paper, which of course should be proportionably smaller and lighter than one published at a shilling, and rated accordingly. Under such an arrangement as this, newspapers could be provided, adapted to the means of every class of society, and the postage would be paid upon them in proportion to their bulk and weight. Having thrown out this suggestion, he must admit, that under all circumstances, the proposition of the right hon. Chancellor of the Exchequer would, undoubtedly, lead to much good, and he should support it.

Mr. *Handley* wished to say a few words in explanation of the reasons which should induce him to vote against the proposition of the hon. Member for Northamptonshire (Sir C.Knightley). He begged to assure the Committee that he did not consider that proposition as conferring any boon upon the farmer, even if it were carried to the full extent recommended by that hon. Member. In saying this, he might, he thought, lay claim to sincerity, for he had always been a friend to the agricultural interest, and he had never allowed himself to be influenced by party or political considerations in delaying to bring forward any motion, which, in his opinion, would tend to its relief. Upon a former occasion the motion which he (Mr. Handley) had brought forward on this subject, was accompanied with a proposition for an increased duty on foreign tallow: but while it was his object, as he had frankly owned at the time, to confer relief upon the agricultural interest, he did not consider himself justified in taxing the whole community for the benefit of a particular interest without offering them some advantage as an equivalent: and he had therefore proposed the Repeal of the Soap Tax—a tax which he considered extremely objectionable. He was glad on that occasion, to hear his right hon. Friend, the Chancellor of the Exchequer, give him a promise that he would, as soon as possible, endeavour to relax those shackles, to which, of all manufacturers, the soap manufacturer was peculiarly subjected. But the hon. Member for Northamptonshire appeared in his (Mr. Handley's) opinion, to have taken only, if he might use the expression, the husk of his (Mr. Handley's) proposition, and to have left the kernel behind: he had adopted that part of it only which offered compensation to the public for the relief to the agricultural interest contemplated by the other part of it, and then he called it "a boon to the farmer." Of the whole amount of tallow manufactured in this country, only 25,000 tons were used in the manufacture of soap. It might indeed be said, that the quantity would increase. It might be increased, but unquestionably not by the proposition of the hon. Member for Northamptonshire. He proposed to reduce the duty on hard soap to 1*d.*, and on soft soap to a $1\frac{1}{4}$*d.* per lb. Did he not know, that into the composition of the latter description of soap, not one atom of tallow entered? Since the reduction effected by the right hon. Gentleman, the Chancellor of the Exchequer, in the duty on farm oils, they had formed the chief ingredient in the manufacture of the cheaper kind of soap. With reference to the tax upon newspapers, he (Mr. Handley) had unquestionably, upon a former occasion, said it was not the tax which he should have selected for reduction if the choice rested with him. He said so still. But, at the same time, he was bound to say, that his opinion on this point had been somewhat altered of late. The hon. Member for Northamptonshire had not shown that by reducing the duty on Soap, in the manner he proposed, he would remove any of those grievous restrictions of which the manufacturers of that article so much complained; and, on the whole, he (Mr. Handley) did not think, that for the sacrifice he proposed to make of the revenue, he had offered any equivalent either to the public or the Minister. He should vote for the original motion.

Mr. *Roebuck* rose, amidst loud cries of "Divide," "Divide," "Withdraw." The present question, said the hon. and learned Member, was not a question of revenue, but a question of party politics. It was a part of the politics of the party on the other side of the House to keep up that despotic rule, the fruits of which they had so long enjoyed. The party on his (the Ministerial) side of the House were anxious to free the people of this country from the shackles which their ignorance had so long bound upon them. Gentlemen on the opposite side of the House did not care one farthing whether the revenue was diminished a few thousands or not; they only pretended to be the farmers' friend on this occasion, in order to keep up their influence over a certain class of the people, and at the same time to perpetuate the ignorance which had hitherto hung about them. An hon. Member on the opposite side of the House had said, there was no need to carry pernicious knowledge into the cottage. He (Mr. Roebuck) contended that knowledge could not be pernicious; he did not care what opinions might be circulated, if facts were also circulated. Gentlemen on the opposite side knew very well, that as soon as facts were generally and clearly understood, their power would be totally at an end. That was their object in coming forward on the present occasion, though masked under the paltry pretence of friendship to the farmer. The country was not to be deceived by such a shallow pretext, the only parties who were deceived were the hon. Gentlemen themselves, who fancied they could delude the people by such a proceeding. They however were easily seen through, added the hon. and learned Member. What was it pretended that the reduction of the duty on soap would do for the agriculturist? why simply by causing an increased demand for tallow, and consequently some increase in the demand for agricultural produce. But whom would this benefit, small as it was, go to?—not the agricultural labourer—not the farmer—but to the landowner, if to anybody. In opposing the reduction of the newspaper x hon. Gentlemen on the opposite side had racked their brains for arguments, but why need they go to America, what had America to do with the case? He held, and he was prepared to show it by a comparison of the stamped newspapers with the unstamped, that the latter were the superior, both in respect of intelligence and of morality. Ay, superior—and he challenged hon. Gentlemen who cheered, to point out a single unstamped newspaper which contained a tenth of the scurrility, the obscenity, and the downright immorality which was to be found in the stamped newspapers of the day. Had any hon. Member dared to bring down in his hand a copy of an unstamped newspaper to support their arguments as to the pernicious nature of its contents. No one had done so. On the other hand, he could refer them to an article in *The Times*, where it was stated, that a certain individual, whom it was pleased to style "the big beggarman," was going to be exhibited as a show. He should like to know, whether the hon. Gentlemen who cheered this did so to show their accordance in the sentiment which pervaded this article. He could go on with many instances of a like kind, but he need not trouble the House with them. The hon. Member for Finsbury had read a statement printed in reference to the late Mr. Ronayne, at which every one who heard it shuddered with horror and disgust. And yet people talked about deluging the country with the pernicious effusions of the press. What, deluge the country with *John Bulls* and *Ages* and other papers of the kind, taken exclusively by the higher and richer classes. Hon. Gentlemen might cry "Oh, oh!" as their only reply to his assertion—"oh, oh!" was very easily said, but he repeated it, and he challenged a denial of his assertion, that the higher classes delighted in printed obscenity—delighted also in scandal and personal abuse. They would not find these in the papers circulated in the pot-house; there was no filthy obscenity, no disgusting personal scandal in these, it was in the rich man's paper, in the parson's paper, in *The Age* and *The John Bull*, and these were the papers which pandered to the morbid appetites of the wealthier classes. They paid their sevenpence for it, and they wished to have a monopoly of it, and he was quite willing to allow them; and sure he was, that if the stamp duty were taken off newspapers to-morrow, there would be no increase in the obscenity circulated by means of the press. On the contrary, he maintained that the voice of the great body of the people would bear down the obscenity which already existed in it, and that the aristocracy would at last be ashamed to foster and encourage it. Again he denied the assertion, and he challenged hon. Members who put it forward to prove it, that immorality would be increased by throwing open the newspaper press; unless indeed it were immorality in their eyes to teach the people to understand their rights, to stand up for what they ought to demand, and to put down the aristocratical domination under which they had too long laboured.

Mr. *Kearsley* begged to assure the hon. and learned Member for Bath, that he was not one of those who cried out "oh!" during the speech of the hon. and learned Member. He (Mr. Kearsley) had really never noted anything that had fallen from the hon. and learned Member; he had never condescended to do so. He would, however, ask the noble Lord, the Home Secretary, and the right hon. the Chancellor of the Exchequer, with what pleasure they had just listened to the disgusting speech of the hon. and learned Member for Bath.

The *Chairman* (Mr. Bernal) was quite sure the hon. Member could not be aware of the word which had just fallen from him.

Mr. *Kearsley:* Sir, I am quite aware that I might have used language stronger than the circumstances required. I admit that the language was strong; but I must say, that a more disgusting speech I never heard.

The *Chairman:* I am really very sorry to call the hon. Member's attention again to the words which he made use of, but I must beg to repeat it, and in doing so I am in the hands of the Committee, to be corrected if I am wrong, that the language which fell from the hon. Member was such as was never permitted to be used in this House.

Mr. *Kearsley:* I am very sorry that the hon. Member for Bath having charged me with what is not true, I cannot characterize his speech by other terms. ["*Order! Chair!*"]

Mr. *Roebuck:* I trust the House will permit the debate to proceed, and make allowance for what must be looked upon as an infirmity of the hon. Member opposite.

Mr. *Paul Methuen:* I think it is due not only to this House but to the country, that the Chairman should declare whether the language of the hon. Gentleman opposite (Mr. Kearsley) is such as should be addressed to this House, or such as it is becoming in us to hear, without reprehension. I come here to do my duty to my constituents, and not for the purpose of listening to language which is unbecoming the dignity of this House.

Mr. *Kearsley:* Sir, when the hon. Member for North Wiltshire (Mr. Paul Methuen) thinks proper so precipitately to interrupt me, I am tempted to exclaim, "Paul! Paul! why persecutest thou me?' [The hon. Member left his seat, and walked down to the floor of the House, where, after bowing twice, he made two efforts to retire, but being stopped at the bar, returned to his place.]

Mr. *Walter* felt it his duty to address the House on a subject upon which he could give some practical information.

Mr. *Hume:* I rise to order, Sir. I wish to ask you, Sir, as Chairman, whether the proceedings of this House are to be conducted in the disorderly manner in which they have been this evening. Again, Sir, as our Chairman, you have declared, (and we are prepared to support you in the opinion,) that the words used by the hon. Member for Wigan, are unbecoming of him in his present situation. The only course left you, then, Sir, as Chairman, is I apprehend, to call upon the hon. Member to retract the words; and in case of his refusing to do so, I think that you are called upon to put in force the authority vested in you as Chairman. I think a further apology is due from the hon. Member for his conduct as it regards the House; for since I have had a seat in Parliament I have never seen an hon. Member leave his place, and behave in the manner which the hon. Member has behaved this night. Sir, it is the duty of the Chairman, for the sake of preserving the dignity of our proceedings, to call upon the hon. Member to make that apology which, in my opinion, he is bound to give.

The *Chairman*: In answer to the appeal which has been made to me, I beg to observe, that the Chairman of a Committee has, when called upon, but one course to pursue with reference to such a question as the present, and that is, when an hon. Member misconducts or misbehaves himself, the Chairman is imperatively bound by his duty, if the hon. Member refuses to offer any explanation of, or apology for his conduct, to report the matter to the Speaker for the exercise of his superior authority. I hope I shall never be found wanting in the performance of that duty whenever I see the necessity of applying for the superior jurisdiction of the Speaker.

Mr. *H. Bulwer*: I think, Sir, under the circumstances of the present case, you are called upon to exert that authority which you possess of reporting these proceedings to the Speaker.

Mr. *Hume*: I move, Sir, that you report progress, and ask leave to sit again.

The *Chairman*: as the hon. Member for Middlesex has moved that I should report progress, and as he has made as the ground of his motion, a complaint against an hon. Member, perhaps, he will be good enough to state specifically what it is.

Mr. *Hume*: I have no hesitation in saying, that my complaint refers to the observations which the hon. Member made use of with respect to my hon. Friend, the Member for Bath, and which you yourself strongly reprobated. I did not hear what the hon. Member said before he uttered the objectionable expression to which I refer; but I did hear him make use of the phrase " disgusting speech," as applied to the address of my hon. Friend. Every hon. Member near me can, I believe, say that he also heard it, and will further support me, I am sure, in the assertion, that the conduct of the hon. Member, in leaving his seat and coming to the floor of the House, and, in fact, behaving himself in a manner in which I have never yet seen any hon. Member behave in this House, calls for some apology.

The *Chancellor of the Exchequer*: I am sure, Sir, there must be but one feeling pervade all the Members of this House with regard to the mode of our conducting our discussions, and that is, that unless our opinions and views are expressed in proper and decorous language, we shall not only lose the respect of society at large, but a considerable interruption will also be afforded to the course of public business. The occurrence which has taken place stands thus: an observation has been made by the hon. Member for Wigan, and it is to him that I wish particularly to address myself, in reply to the speech delivered by the hon. Member for Bath, which was such as to call down upon him, in my mind justly, (and I believe in the opinion of the majority justly also,) your censure, Sir, and your statement, that his observation was unparliamentary and unbecoming. Undoubtedly, then, the only course left you, is to bring it under the consideration of the Speaker; that is, if you be driven to such an alternative. But when the hon. Gentleman opposite has heard from the Chairman of the Committee the uncontradicted opinion, which I may, therefore, take to be the opinion of the whole Committee, that his proceedings and observations have been unparliamentary, and open to your censure, Sir, I do trust the hon. Gentleman will do that which will save the House all further trouble on this question, that which I venture to say he will himself feel it his duty to do—namely, by submitting to the expressed authority of the Chairman, to whom we are all bound to submit, and withdrawing the expression which he has used. I do hope that the excitement into which the hon. Member may have been betrayed by the previous course of th debate, will induce him to apologise to the Committee for any expressions which he might have used, and for the inadvertent and irregular proceedings into which he may have been led. Our course is a clear one; but I appeal to the hon. Member whether he will impose on the House the necessity of adopting it.

Mr. *Kearsley* said, if the expression which I used is not agreeable to the taste of the Committee, I beg leave to withdraw it. But I presume, Sir, I have a right to say, that I heard that speech with disgust.

The *Chairman*: Really, I must say that the repetition of these terms is a further trespass on the decorum which should be observed in the proceedings of this House.

Mr. *Kearsley*—Sir, all I can say is, that as I can't swim in the same water with the hon. Gentlemen opposite, they may construe the expression as they please.

Lord *Ebrington* rose, and said: The apology which the hon. Member has given is not one such as I conceive is due to the House, after the manner in which the decorum of its proceedings has been infringed upon. I must, therefore, Sir, unless the hon. Gentleman thinks proper to make a more satisfactory apology to the Committee, beg leave to move that you report progress, and report this matter to the Speaker.

Lord *J. Russell*: As the noble Lord, the Member for North Devonshire, has moved that the Chairman report progress, and that the expressions used by the hon. Member be reported to the House, I wish to state what was the manner in which I conceive the hon. Member received the opinion expressed by the Chairman. I understood him to have said, that he withdrew entirely the expression which was complained of. I must say, however, likewise, that I don't think it was mentioned by the Chairman that the conduct of the hon. Member, after what he said to the hon. Member for North Wiltshire, was disrespectful to the House. But the hon. Member so immediately withdrew the expression which has been complained of, that I should suppose he will not hesitate to express his regret if his conduct should be considered disrespectful to the House. I am sure it will be more satisfactory to the whole House, if the hon. Member will take some means of that kind for explaining his conduct, than that so unpleasant a subject should be referred for decision to the Speaker.

Mr. *Kearsley*: I am extremely sorry if I have done anything unpleasant to the Committee, and I beg leave to withdraw the expression which I made. But when the hon. Member for North Wiltshire cries out at my mode of walking over the floor—I beg to assure the House again, that I had not the least possible intention of giving offence by my conduct on this occasion.

Mr. *Walter* said, that having, from former engagements, some practical knowledge upon the subject under discussion, he felt it his duty to give an opinion to the House. First, however, he might be excused for saying a word or two with reference to those classes of the people who were said to be the most interested in the decision of the House. With respect to those classes—namely, the working classes—he would not yield to any one in feeling for their interests, and in endeavours to support their rights and ameliorate their condition; and if, on the present occasion, he might be thought to vote against them, he was sure it would be found in the result that his vote and opinion were not given against them, but against those who were endeavouring to mislead them. With respect to the removal of taxes generally, if the right hon. Gentleman who presided over the finances of the country could spare any one or more of the taxes, he thought he would better look to those which pressed upon the comforts and necessaries of the people, rather than one which was said to press upon their knowledge. This, also, was very clear, that if they were disposed to give the people more political knowledge, they must also give them more time; that is, they must to a degree exempt them from their daily avocations to read the daily press, as well as to put the productions into their hands. If he might be allowed to give his opinion, the cry that had been set up on this subject by no means merited that attention which had been paid to it. Petitions for the total repeal of what were called taxes on knowledge had been profusely transmitted to the country for signature, by societies in London; but in the county which he had the honour to represent they were utterly disregarded. He recollected hearing a plan of Lord Althorp's when he was finance Minister, which it appeared might be practically useful to the public, without being very detrimental to the Exchequer, and he thought that that plan ought to have been adopted in preference to the present plan of his Lordship's successor. But if he had had any doubt whatever upon the question, that doubt would have been removed by the Chancellor of the Exchequer's speech upon this subject. The right hon. Gentleman had told them frankly, that he repealed or gave up the greatest portion of this tax because he was unable to collect it. It was not, therefore, now so much matter of debate in that House whether the stamp duty upon newspapers should be partially repealed, as who was to repeal it—they, the Representatives of the people, by whom all taxes had been hitherto imposed and repealed; or a blind authority existing they knew not where—a secret junta, who had been long encouraging the people to set the Government and laws at defiance. As to there being no means of stopping the audacious career of the vendors of unstamped publications, what was that but saying there was no Government capable of fulfilling its duty, which duty it was to render the law supreme, and to punish its violation? If the contempt of the laws had been such as the right hon. Gentleman represented, the criminality of such contempt rested with the Administration of the country. If the Administration had had any head—if it had been anything but a Government of departments without head—such head or chief ought, on an occasion like that described, to have sent for his Majesty's law officers and the Chief Commissioner of Stamps, and said—Put a stop to these violations of the law, or quit your situations, of which you are incompetent to discharge the hitherto acknowledged constitutional functions. He again said, that he thought the plan suggested four or five years ago of a moderate reduction of duty ought to have taken place; but for the Chancellor of the Exchequer to talk of a diminution now, when the law was trampled under foot, what was it but exciting the people by success to violate every other law which held the Monarchy together? He would further beg leave to inquire what the right hon. Gentleman proposed to gain by thus making the law succumb to its violators? Would he satisfy them by reducing the tax to 1*d.*? He held in his hand a journal which represented their opinions, and therein he found an advertisement, from which he should read an extract:—"It is now nearly six years since a few persons, desirous of instructing their brethren, resolutely determined to break through such infamous and unjust laws, by publishing unstamped newspapers and periodicals. They have for this period been at war with powerful opponents, and their liberties, persons, and property have suffered much in the conflict. They have, however, succeeded in awakening the public voice in favour of cheap political knowledge and a free unstamped press. But, notwithstanding the numerous petitions that have been presented to Parliament on the subject, together with the strong manifestations of public opinion otherwise expressed, either through the intrigues of stamped newspaper monopolists, or the desire of Government to perpetuate ignorance, those odious laws are still continued. They now, however, having failed to crush the unstamped, seek jesuitically to undermine it. It is reported they now intend to retain a penny tax, and to enact more severe laws against the unstamped; this will only strengthen the monopoly of the press—make it, if possible, more servile and corrupt, and throw us more at the mercy of tyrants, by preventing us from reading or receiving any knowledge but such as the monopolists and Government choose. It then becomes your imperative duty to speak out for the total abolition of the tax, by rallying round the unstamped, before your principal channels of information be effectually cut off." This advertisement was signed by a Mr. Lovett, the secretary, and Dr. Birkbeck and Mr. Place, the treasurers of the society. This was the class of people whom the right hon. Gentleman sought to conciliate; and this was the degree to which he would conciliate them, that they were already become ten times more furious against the remaining penny than they were against the whole tax; and in this manner would his hands be strengthened to collect the penny, when he had shown the violators of the law that they had already forced him to give up the larger sum. He could tell the right hon. Gentleman, upon every principle of common sense, that by confessing himself unable to collect one portion of the tax, he had confessed himself unable to collect the last remaining portion. With respect to the details of the question, it might perhaps be difficult to weigh the motives which induced the Government to measure out its portion of knowledge to the country by inches—which inches came so limited in number as just to let out some papers into free circulation, and to confine others at the barrier. The right hon. Gentleman had no doubt been obliged to widen his bounds, but he still adhered to the principle of measurement and limitation. He hoped the House would not think he was speaking for individuals only; he was contending for the principles of a free trade. Let hon. and intelligent Gentlemen consider, that in all cases an expensive machinery must be got together and established, on the just expectation, without which no enterprise could be entered upon, that the owners should be allowed to conduct their business in the way which their ingenuity might suggest and their funds supply the means; but here the Legislature suddenly stepped in, and rendered their efforts unavailing, by an unforeseen change in those fundamental rules, according to which their business had been conducted, and this under the affectation of liberality. Now, surely, the greatest liberality to the public would be, to interfere as little as possible with the internal workings of trade, to leave its operations unfettered, and, except everything was to be beaten down to the dead level of mediocrity, to suffer talent, and energy, and industry, to work their natural way. As to the pretence that a larger paper ought to pay an additional postage, and that the right hon. Gentleman imposed the additional tax on that account —this would have some weight if the paper were printed solely for the purpose of being transmitted by the post; but why tax the whole of the circulation, if but a part, and that a very small part, was sent into the country; and even of that small part, by far the greater portion was transmitted by the morning coaches, and not by the post? If he meant to tax for postage, let him tax at the Post-office; let him not tax that which never saw the post. He confessed that the comparison which the right hon. Gentleman had made of a public journal with any article capable of being smuggled, struck him as a very singular one. Upon the latter class of articles, such as tea and spirits for example, no doubt the higher the duty the greater was the temptation to import or fabricate the article secretly; but how was that to be done with a newspaper, the sole use and object of which was to be in the hands of all, friends or foes, and which bore upon the face of it, by the absence or presence of a stamp, the testimony whether it was legal or the contrary? The right hon. Gentleman, too, had spoken of monopolies; he probably best knew what the meaning of that word originally was, and what, in common sense, must continue to be its meaning. Monopoly was a privilege granted exclusively by the Crown for particular persons or bodies to work one specific business, or deal in one specific article, and all others were prohibited from infringing upon this privilege. Now, was the trade of newspapers thus guarded? Were others besides those who had the chief business in this particular branch prohibited from entering into the same? If by the word monopolists was meant a class of persons who, through particular industry, talent, and attention to business, had risen to distinction in their peculiar profession, while that profession remained, and always had remained, open to all; and if it were meant, further, that that class of industrious and intelligent people, who by these qualities alone had had success, were now to be assailed, and if possible crushed, then he said, that instead of destroying a monopoly or monopolists, they would destroy or impair the fairest incitements to industry and exertion in the country; they would ruin, as far as in them lay, the hopes of the fair tradesman, and invade property in an unjustifiable and unprecedented manner. He begged leave, in conclusion, to state, that personally he was perfectly indifferent as to whatever course the right hon. Gentleman might adopt.

The Committee divided on the original question: Ayes 241; Noes 208;—Majority 33.

List of the AYES.—*Not Official.*

Adam, Sir Charles
Aglionby, Henry A.
Ainsworth, Peter
Andover, Lord Visct.
Angerstein, John
Anson, hon. Colonel
Attwood, Thomas
Bagshaw, John
Baines, Edward
Baldwin, Dr.
Ball, Nicholas
Bannerman, Alex.
Barclay, David
Baring, F. Thornhill
Baring, Francis
Barnard, Ed. George
Barron, Henry W.
Barry, G. Standish
Beauclerk, Major
Bellew, Richard M.
Bentinck, Lord Wm.
Bewes, Thomas
Biddulph, Robert
Blackburn, J.
Blake, M. Joseph
Blamire, William
Blunt, Sir Charles
Bodkin, John James
Bowes, John
Bowring, Dr.
Brabazon, Sir Wm.
Brady, Dennis C.
Bridgeman, Hewitt
Brocklehurst, John
Brodie, William B.
Brotherton, Joseph
Browne, Robt. Dillon
Buckingham, J. S.
Buller, Charles
Buller, Edward
Bulwer, H. L.
Bulwer, E. L.
Burdon, W. W.
Burton, Henry
Butler, hon. Pierce
Buxton, T. F.
Byng, George
Callaghan, Daniel
Campbell, Sir John
Cave, Robert Otway
Cavendish, hon. G. H.
Cayley, Edward S.
Chalmers, Patrick
Chapman, Lowther
Chetwynde, Captain
Chichester, J. P. B.
Childers, John W.
Clay, William
Clements, Lord Visct.
Clive, Edward B.
Cockerell, Sir Charles
Codrington, Admiral
Colborne, N. W. R.
Collier, John
Conyngham, Lord A.
Cookes, Thomas H.
Crawford, Wm. S.
Crawford, William
Crompton, Samuel
Curteis, Herbert B.
Curteis, Edward B.
Dalmeny, Lord
Dennison, J. Evelyn
Donkin, Sir Rufane
Duncombe, Thomas
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. Deanes
Dunlop, John
Ebrington, Lord Vis.
Elphinstone, Howard
Evans, George
Ewart, William
Fazakerley, John N.
Ferguson, Sir R.
Ferguson, Robert
Fergusson, rt.hn. R.C.
Fielden, John
Fitzroy, Lord Charles
Fitzsimon, Chris.
Fitzsimon, Nicholas
Fort, John
French, Fitzstephen
Gaskell, Daniel
Gordon, Robert
Grattan, James
Grattan, Henry
Grey, Sir George
Grosvenor, Lord R.
Grote, George
Guest, Josiah John
Gully, John
Hall, Benjamin
Harland, William C.
Hawes, Benjamin
Hawkins, John H.
Hay, Sir Andrew L.
Hector, C. J.
Hindley, Charles
Hobhouse, rt. hon. Sir John
Hodges, Thomas L.
Hodges, T. Twisden
Holland, Edward
Horsman, Edward
Howard, Ralph
Howard, hon. Edw.
Howard, Philip H.
Howick, Lord Visct.
Hume, Joseph
Humphery, John
Hurst, Robert H.
Hutt, William
Ingham, Robert
Jephson, Chas. D. O.
Jervis, John
Johnstone, Sir John
Johnston, Andrew
Kerrison, Sir Edwd.
King, Edwd. Bolton
Labouchere, rt. hon. Henry
Langton, Wm. Gore
Leader, John Temple
Lefevre, Chas. Shaw
Lemon, Sir Charles
Lennard, Thomas B.
Lennox, Lord George
Lennox, Lord A.
Lister, Ellis Cunliffe
Loch, James
Lushington, Dr.
Lushington, Charles
Lynch, Andrew H.
Mackenzie, Stewart
Mangles, James
Marshall, William
Marsland, Henry
Maul, hon. Fox
Methuen, Paul
Molesworth, Sir Wm.
Morpeth, Lord Visct.
Morrison, James
Mostyn, hon. Edward
Mullins, Fred. Wm.
Murray, right hon. John A.
Musgrave, Sir Richd.
Nagle, Sir Richd.
O'Brien, Cornelius
O'Brien, W. Smith
O'Connell, Daniel
O'Connell, John
O'Connell, M. J.
O'Connell, Morgan
O'Connor, Don
O'Ferral, Rich. More
Oliphant, Lawrence
O'Loghlen, Michael
Oswald, James
Paget, Frederick
Palmer, General
Palmerston, Viscount
Parker, John
Parnell, right hon. Sir Henry
Parrott, Jasper
Pattison, James
Pease, Joseph
Pechell, Captain
Pelham, hon. C. A.
Pendarves, E. W. W.
Philips, Mark
Phillips, C. March
Potter, Richard
Poulter, John Sayer

Poyntz, Wm. Stephen
Pryme, George
Ramsbottom, John
Rice, rt. hon. T. S.
Rippon, Cuthbert
Robinson, George R.
Roche, Wm.
Roche, David
Roebuck, John A.
Rundle, John
Russell, Lord John
Russell, Lord
Ruthven, Edward
Sanford, Edward A.
Scholefield, Joshua
Scott, Sir Edward D.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, Richard
Smith, John Abel
Smith. R. Vernon
Smith, Benjamin
Steuart, Robert
Strutt, Edward
Stuart, Lord James
Stuart, Villiers
Surrey, Earl of
Talbot, J. Hyacinth
Talfourd, Mr. Serg.
Tancred, Henry W.
Thomson, right. hon. C. P.
Thompson, Paul B.
Thomson, Mr. Ald.
Thompson, Colonel
Thornely, Thomas
Tooke, William
Townley, Richard G.
Trelawney, Sir W.
Tulk, Charles A.
Verney, Sir Harry
Vernon, G. H.
Villiers, Charles P.
Vivian, John Henry
Wakley, Thomas
Walker, Richard
Wallace, Robert
Warburton, Henry
Ward, Henry George
Wason, Rigby
Wemyss, Captain
Westenra, hon. H. R.
Westenra, hon. J. C.
Wilde, Mr. Sergeant
Wilkins, Walter
Williams, William
Williams, W. Addams
Williams, Sir J.
Winnington, H. J.
Wood, Charles
Wood, Alderman
Woulfe, Mr. Sergeant
Wrightson, W. B.
Wrottesley, Sir John
Wyse, Thomas
Young, George Fred.

TELLER.

Stanley, Edward John

The several resolutions were agreed to, and the House resumed.

EXCISE LICENCES (IRELAND.)] On the motion of Lord *Morpeth* the Excise Licences (Ireland) Bill was read a third time.

Mr. *Shaw* then moved, by way of rider, a clause to prohibit grocers from selling spirits by retail for consumption on their premises; but to enable them to sell spirits in quantities exceeding two quarts, to be consumed elsewhere.

Agreed to, and clause added.

Mr. *Shaw* moved a proviso to the 3rd Clause, to prevent retailers from selling spirits on Sundays.

Lord *Morpeth* saw no reason for departing from the understanding already announced, and should therefore oppose the motion. He feared it was out of the power of Parliament to prevent the drinking of spirits on Sundays; and the consequences of prohibiting the sale of the article at houses over which the magistrates had control, would be to send the consumer to much worse places.

The House divided on the proviso—Ayes 88; Noes 149—Majority 61.

Proviso negatived. Bill passed.

List of the AYES.

Agnew, Sir A.
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Attwood, M.
Bagot, hon. W.
Balfour, T.
Bateson, Sir R.
Bethell, R.
Blackburne, I.
Brotherton J.
Brownrigg, S.
Bruen, Colonel
Bruen, F.
Buckingham, J. S.
Calcraft, J. H.
Cavendish, hon. G. H.
Chisholm, A. W.
Clerk, Sir G.
Corry, right hon. H.
Duffield, T.
Dunlop, J.
Egerton, W. T.
Egerton, Lord F.
Elley, Sir J.
Estcourt, T.
Estcourt, T.
Fleetwood, P. H.
Forbes, W.
Forster, C. S.
Gaskell, James Milnes
Gladstone, Thos.
Goulburn, rt. hon. H.
Goulburn, Mr. Sergeant
Graham, rt. hon. Sir J.
Hale, R. B.
Halse, J.
Hamilton, G. A.
Hardy, J.
Hawkes, T.
Hay, Sir J.
Herries, rt. hon. J. C.
Hope, J.
Hughes, W. H.
Inglis, Sir R. H.
Irton, S.
Jones, W.
Knight, H. G.
Lefroy, A.
Lefroy, rt. hon. T.
Lincoln, Earl of
Lushington, rt. hn. S. R.
Mackinnon, W. A.
Maclean, D.
Neeld, Joseph
Neeld, J.
Nicholl, Dr.
Packe, C. W.
Palmer, G.
Pease, J.
Peel, rt. hon. Sir R.
Pigot, R.
Plumptre, J. P.
Praed, W. M.
Pringle, A.
Rae, rt. hon. Sir W.
Ross, C.
Rushbrooke, Col.
Scarlett, hon. R.
Sheppard, T.
Sibthorp, Colonel
Smyth, Sir H.
Stanley, Lord
Sturt, H. C.
Tooke, W.
Trevor, hon. A.
Trevor, hon. G. R.
Vere, Sir C. B.
Vesey, hon. T.
Vivian, J. E.
West, J. B.
Wilbraham, hon. B.
Young, G. F.
Young, Sir W.

TELLERS.

Plunkett, Mr.
Shaw, Mr. F.

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Angerstein, J.
Baldwin, Dr.
Ball, N.
Bannerman, A.
Baring, F. Thornhill.
Barron, H. W.
Bellew, R. M.
Berkeley, hon. F.
Bernal, R.
Bewes, T.
Blackburne, J.
Blake, M. J.
Blamire, W.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brodie, W. B.
Buller, C.
Bulwer, H. L.
Byng, G.
Callaghan, D.
Chalmers, P.
Chapman, L.
Childers, J. W.
Clive, E. B.
Codrington, Admiral
Colborne, N. W. R.
Collier, J.
Crawford, W. S.

Curteis, H. B.
Dalmeny, Lord
Denison, J. E.
Dillwyn, L. W.
Dunbar, G.
Dundas, hon. T.
Dundas, J. Deans
Elphinstone, H.
Elwes, J. P.
Evans, G.
Fergusson, rt. hn. R. C.
Fielden, J.
Fitzroy, Lord C.
Fitzsimon, N.
Gaskell, D.
Gordon, R.
Grattan, J.
Grattan, H.
Grey, Sir G.
Hall, B.
Handley, H.
Harland, W. C.
Hawkins, J. H.
Hay, Sir A. L.
Hayes, Sir E. S.
Hector, C. J.
Henniker, Lord
Hodges, T. L.
Horsman, E.
Howard, P. H.
Hume, J.
Hurst, R. H.
Hutt, W.
Jephson, C. D. O.
Jervis, J.
Labouchere, rt. hn. H.
Leader, J. T.
Lee, J. L.
Lees, J. F.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord George
Lennox, Lord A.
Loch, J.
Mackenzie, S.
M'Namara, Major
Mangles, J.
Marshall, W.
Maule, hon. F.
Molesworth, Sir W.
Morpeth, Lord Vis.
Mostyn, hon. E.
Mullins, F. W.
Murray, rt. hon. J. A.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
Oliphant, L.
O'Loghlin, M.
Oswald, J.
Paget, F.
Palmerston, Lord Vis.
Parker, J.
Parnell, rt. hn. Sir H.
Pattison, J.
Pechell, Capt.
Philips, Mark
Phillips, C. M.
Potter, R.
Poyntz, W. S.
Pryme, G.
Ramsbottom, J.
Rice, rt. hon. T. S.
Robarts, A. W.
Roche, D.
Roebuck, J. A.
Rundle, J.
Russell, Lord J.
Ruthven, E.
Scott, Sir E. D.
Scott, J. W.
Sheil, R. L.
Smith, R. V.
Stanley, E. J.
Strutt, E.
Stuart, Lord Dudley
Stuart, Lord J.
Talbot, C. R. Mansell
Talbot, J. H.
Thomson, rt. hn. C. P.
Thompson, Col.
Thornely, T.
Townley, R. G.
Trelawney, Sir W.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
Wason, R.
Wemyss, Captain
Westenra, hon. H. R.
Wigney, I. N.
Wilbraham, G.
Wilde, Mr. Sergeant
Williams, W.
Williams, Sir J.
Wood, C.
Wood, Mr. Alderman
Wrightson, W. B.
Wyse, T.

TELLERS.

O'Ferrall, M.
Steuart, R.

HOUSE OF LORDS,

Tuesday, June 21, 1836.

Minutes.] Bills. Received the Royal Assent:—Bishopric of Durham; Ecclesiastical Leases; Postage Duties; Insolvent Debtors' (Ireland); London and Dover; Eastern Railway and Salmon Fisheries.—Read a first time:—Church Discipline.—Read a second time:—Sale of Bread. Read a third time:—Bankrupts' Funds.

Petitions presented. By the Earl of Haddington, from the University of St. Andrew's, against the Universities' (Scotland) Bill.—By the Earl of Mansfield, from Ipswich, against Attacks on the House of Lords.—By Lord Denman, from Stockport, in favour of Mr. Buckingham's Claims.

HOUSE OF COMMONS,

Tuesday, June 21, 1836.

Minutes.] Bills. Read a first time:—Insolvent Debtors' Bill.

Petitions presented. By Dr. Bowring, from Kilmarnock, for a Reform in the House of Lords.—By several Hon. Members, from various Places, praying the House to adhere to the Irish Municipal Reform Bill, as originally passed by them.—By Dr. Bowring, from Kilmarnock; and by the Attorney-General, from Rate-payers of Edinburgh, against the Municipal Corporations' (Scotland) Bill.—By Mr. S. Crawford, from Dromin and Richardstown, for Abolition of Tithes, and to adhere to Municipal Reform Bill (Ireland) as originally passed by them.—By Lord Henniker, from Suffolk, for Amendment of Poor-Law Amendment Act.—By the Attorney-General, from Huntly, in favour of Royal Burghs (Scotland) Bill.

Medical Practitioners—Poor-Law Bill.] Mr. *Wakley* presented a petition, signed by forty medical practitioners, complaining of the contracts entered into for attending the poor-houses in the neighbourhood of Gloucester. The petitioners alleged, that instead of the practice being beneficial, it was attended with the most ruinous and cruel consequences to the poor, who were farmed out to the lowest bidder. The hon. Member stated, that when the subject was brought before the House, he would take the opportunity to express his sentiments on the abominable system, and he trusted that hon. Members would express themselves in such terms as would tend to its total abolition.

Mr. *Hume* hoped his hon. Friend would abstain from further observations at present, and that when the Poor-law Amendment Bill was brought before the House to have some defects in it corrected, that the hon. Member would not lose sight of the subject of which the petitioners complained. The system of farming, every one must admit, was highly objectionable, and required to be done away with; but the time to animadvert on it was, when it came in a substantial form before them.

Mr. *Wakley* was desirous of stating one fact of a particular nature.

The *Speaker*: I call the attention of the hon. Member to the fact, that he has already declared that this matter will be brought under the consideration of the House in a substantive form. Now, if the hon. Gentleman is about to enter into a statement of facts, it is to be presumed that other hon. Members may wish to address the House upon those facts; and that the

House will thus be involved in a protracted discussion, which can only tend to delay the progress of business.

Mr. *Wakley* was desirous of knowing by what rule the presentation of petitions to that House was regulated. It was only a few evenings ago that a petition was presented by an hon. Member from three officers of the East-India Company, praying for compensation, which led to a debate of an hour's duration, and he (Mr. Wakley) was prevented from mentioning a particular fact that would scarcely occupy a minute.

The *Speaker*: The hon. Member must be perfectly aware that the petition to which he has alluded, which was presented by the hon. Member for Tynemouth, had immediate relation to a case of personal feelings and supposed injury. The hon. Member for Finsbury will find, moreover, that in that instance, the hon. Gentleman who presented the petition gave a previous notice of his intention to do so; and thus the matter was brought before the House. The hon. Member for Finsbury has stated, that this subject will be brought before the House; and I again say, if he is about to state a variety of facts, then all other Members who may wish to take part in this discussion, will be at liberty to do so, to the great inconvenience of others who are waiting to present petitions.

Petition to lie on the table.

POOR AND CORN LAWS.] Colonel *Thompson* presented a petition from the Radical Association of Hull, signed by 1,400 persons, complaining of the Poor-law Bill and the Corn-laws, and of the burthens thrown on the industrious and poorer classes, who were taxed for the little luxuries they could consume, twenty times more than the rich. On the last point he should be glad to accede to an arithmetical correction; for after having paid considerable attention to the subject, he was unable to state any instance in which the disproportion between the poor and rich was more than twelve to one. They prayed also for the repeal of those clauses in the Poor-law Act that pressed harshly on the poor—that one-third of the tithes should be appropriated to their support, and that those charitable bequests which had been hitherto roguishly absorbed by the clerical and lay aristocracy, should be appropriated to their proper uses. The hon. Member said, that the petition was certainly expressed in strong language, and the warmth which animated the petitioners had induced them to use one word, for which, if he had been consulted as a critic, he should certainly have recommended the substitution of one less cacophonous.

The *Speaker:* The hon. Member, in presenting this petition, did state, and he stated it most correctly, that there were expressions in it which were exceptionable. The House, I am sure, is, and ever has been, at all times most ready to receive petitions from any quarter; but it is, I contend, a very grave question for the House to consider, whether they will receive a petition which contains a charge of so gross a nature against any class in the country. I am sure, however, that on reflection the hon. Member will himself see that the House cannot, consistently with a sense of its own dignity, allow language to be addressed to any body of persons, which it would not allow to be addressed to itself.

Colonel *Thompson* said, there were two points which he conceived to be of duty. One was, that he should submit the petition of his constituents; the other that he should not disguise from the House the strength of any of its expressions. He submitted that the word objected to was used in a general sense, and that it would be better to allow the people to express their complaints as they felt them.

Mr. *Williams Wynn* rose to order. He agreed that it was desirable that the people should have the fullest opportunity to state their complaints to that House, but then they should do so in decent and becoming language. He would, therefore, suggest to the hon. and gallant Member to withdraw the petition, and have the obnoxious terms modified; and he was confident that the petitions, on the recommendation of the hon. and gallant Member, would have no objection to do so. Such offensive terms had better be avoided in petitions, and the absence of them would enforce more respect for the prayers of the petitioners.

Mr. *Henry Grattan* remarked that the allusion of the petitioners to charitable bequests had no reference to, but was totally distinct from tithes. The Corporation of Dublin, according to the Commissioners' Report, had a charitable bequest made to them, which he could aver was " roguishly" applied.

Mr. *Hume* was able to prove to the right hon. Gentleman (Mr. Wynn), from reports on the Table, that charitable bequests had been " roguishly misapplied." A case was proved in Court this Session where individuals had roguishly misapplied charitable bequests, and it was therefore very questionable whether the terms used in the petition were misapplied.

Mr. *Williams Wynn*, said, that the terms used in the petition were "roguishly applied by the clerical and lay aristocracy," which was alluding most pointedly, and in a way that could not be well mistaken, to a particular class of persons.

Mr. *Ewart* said, that petitions had been frequently presented by hon. Members opposite, containing the terms "tyrannical and oppressive," as applied to hon. Friends at his side of the House, and he (Mr. Ewart) could not perceive any great distinction between them. He did not think that the hon. Gentleman would rise and say that charitable funds had not been roguishly misapplied. He had no doubt that the allegations made by the petitioners could be fully sustained; and impressed with that feeling, he thought it more desirable to induce them to speak out rather than to take exception to the phrases in which they conveyed their just and well-founded complaints to the House.

Mr. *Goulburn* was of opinion that it would be extremely desirous for all parties coming before the House with their prayers to have their language couched in a decent and proper manner. He maintained it was not correct of the petitioners to impute roguishness to a particular class of individuals because certain individuals belonging to it might have done wrong. The hon. Member who had just sat down no doubt would consider it unjust if a crime having been committed by certain parties in Liverpool, the entire community in that town were to be stigmatised and disgraced.

Mr. *Hawes* said, that they would be unworthy to be considered as the Representatives of a free people, if they objected to receive the petition. What did the Commissioners of corporate inquiry say, on the subject of charitable bequests throughout the country? They were not overchoice of the phraseology which they used on the occasion, the phraseology used by the petitioners was somewhat strong, but it was only what they deemed necessary to convey a proper notion of their detestation of those enactments of which they complained. He for one would declare that charitable trusts had been grossly misapplied.

Sir *James Graham* said, that very strong language might be used in a petition without its being objectionable: but he was sure the House would see the necessity and propriety for putting some term, for fixing some limit, as well to the language used within the walls of that House as to that contained in the petitions addressed to it. He had been at an early period acquainted with the constituents of the gallant Member, and he was sure if the petition was withdrawn, and if they were given to understand that the highest authority in that House objected to one expression in it, they would at once expunge it. He hoped the gallant Colonel would take that course, as if he took the sense of the House on the petition in its present shape, he must vote against its reception.

Mr. *Roebuck* concurred in offering the same suggestion to the gallant Member for Hull. He thought "dishonestly" was a term that might have been employed.

Dr. *Bowring* suggested that the Speaker should state his opinion as to whether the language was unparliamentary or not.

The *Speaker*: Then I can have no hesitation in declaring that the hon. Member would exercise a sound discretion in withdrawing the petition for the present. The House will only act wisely and consistently with that character which it should maintain, by always enforcing a proper spirit of decorum, not merely on all occasions within its own walls, but in all documents and petitions that are addressed to it.

Colonel *Thompson* said, that he had waited for nothing but a suggestion from the Chair. He would therefore, withdraw the Petition.

Petition withdrawn.

HOUSES OF PARLIAMENT.] Mr. *Hume* presented a petition from the architects who had competed for the prizes offered by the Legislature for designs for the two Houses of Parliament, complaining of the conduct of the Commissioners in making their decision, and praying to be heard by counsel at the bar of the House on the subject. His own private opinion was, that such a power was not likely to be given to the petitioners. He certainly agreed with them in opinion, that the Commissioners should have laid down a certain rule as to the extent of the buildings. As soon as the Report of the Committee was laid on the table of the House, he should feel it his duty to call the attention of the House specially to the subject, and to recommend a plan very different from that of the Commissioners for erecting as soon as possible convenient and suitable buildings for both Houses of Parliament.

Mr. *Hanbury Tracy* said, that having been a member of the Commission, he wished to make a few observations in reference to this petition. He did not think that the petitioners pursued a wise or judicious course in presenting such a petition, and certainly, if they wished to prevent all future chance of general competition on subjects like this, they had done that which was best calculated to carry such a wish into effect. It was true, that the petitioners did not attack the moral character of the Commissioners, they only impeached their want of judgment in the selection they had made. Reports, however, had been put into circulation of the most unfair nature towards the Commissioners. They were represented as having been guided in their selection of Mr. Barry's plan, not by the honourable motives that should influence honourable men in the situation they were placed, but by some particular bias for that individual. Now, the fact was, that he never had the pleasure of seeing Mr. Barry until he had the pleasure of mentioning to him that he was the successful candidate. No Commission had ever more zealously endeavoured to do its duty as far as its judgment would allow it. Every means had been used to prevent favouritism, or the remotest chance of favouritism. He had himself proposed measures for that purpose in the Committee, before the Commission was named; and with regard to his fellow-Commissioners, there was only one of them with whom he was acquainted, until they had entered on their duties. The question of selection did not rest alone with the Commissioners. Their award had to be sanctioned by the King, and then by both Houses of Parliament. Not only had the two Houses of Parliament unanimously affirmed the judgment of the Commissioners, but he would challenge the hon. Gentleman and the petitioners to show that it had not met with the unanimous approval of the public. He was wrong in saying, that that House had been unanimous on the subject; undoubtedly, one Gentleman in the Committee had dissented from the award of the Commissioners, on the ground that the areas in the plan were neither squares nor parallelograms, and that the tower of 200 feet was calculated to throw a shade over the building. He might have expected that the hon. Member for Middlesex should have given him notice of this petition, but that courtesy was not observed towards him. He would, however, pass over that topic, go through the charges in the petition in detail, and reply to them.

Mr. *Wakley* rose to order. He begged to remind the Speaker that he (Mr. Wakley) had been interrupted, and prevented from making a statement regarding the poor in certain districts in the country, because the subject was afterwards to come before the House in the shape of a motion, and he submitted, that as the hon. Member for Middlesex had already given notice of a motion on this matter, the hon. Member should reserve his observations for that occasion.

The *Speaker* said, he was not aware that any notice had been given on the subject.

Mr. *Hume* said, he had given notice that he would bring the subject forward as soon as the papers on the table of the House were printed.

The *Speaker* suggested, that under such circumstances the hon. Member had better reserve his statement for that occasion.

Mr. *Hanbury Tracy* said, he should bow to the decision of the Chair.

Mr. *Hume* said, he was aware that a copy of the petition had been transmitted to the hon. Member, and as his (Mr. Hume's) notice for presenting it was on the printed votes, he had not supposed it necessary to give the hon. Member a particular notice on the subject.

Petition to lie on the table.

Turnpike Trusts.] Sir *John Beckett* said, that great anxiety existed in all parts of the kingdom on the subject of a Bill introduced by the Under Secretary for the Home Department, for the consolidation of turnpike trusts. Members were in the daily habit of receiving communications, all of which deprecated the measure. He wished to know what course the hon. Member intended to take upon the subject.

Mr. *Fox Maule* replied, that in consequence of the great anxiety said to prevail respecting the Bill, he had felt it his duty to consider whether he could persevere in it during the present Session. Looking at the position of the measure, and the state of public business, he thought it better at once to state, that it was not his intention to proceed further with it this year. Deeply impressed as he had been, and still was, with the great advantages that would result from passing the Bill, it was not without great regret that he parted with it, and he only did so with the full intention of renewing the motion next Session. The right hon. Baronet had alluded to the opposition which had lately made its appearance, and he (Mr. Fox Maule) begged it might be distinctly understood, that he withdrew the Bill on no account in consequence of that opposition. He believed, that the opposition originated in self-interested motives, and proceeded very much from individuals who had long been enjoying the fruits of jobbing, and deriving profit from a bad system of management with respect to turnpike trusts. He hoped that they would continue to enjoy those fruits only one Session longer. He was convinced that the moment the House came to examine the provisions of the Bill it would unanimously adopt it, and pass it into a law,

Sir *John Beckett* observed, that he had received many communications on the subject from persons incapable of what the hon. Member termed jobbing.

Mr. *Fox Maule* wished merely to add, that he too had received numerous communications, stating that many petitions had been got up by the influence of clerks and treasurers of various trusts; and that gentlemen, who, he was sure, were incapable of anything like jobbing, had been induced to sign representations against particular clauses of the Bill.

Lord *Francis Egerton* begged to enter his protest against the uncalled-for and unfounded imputation thrown out by the hon. Member. He had uniformly told petitioners from the part of the country he represented, to wait until the Bill came out of the Committee before they remonstrated against it; but he did not expect to have to tell them also that they had been made the objects of so sweeping and so unmerited an attack.

Mr. *Heathcote* also warmly repelled the accusation as regarded parties from whom he had presented petitions, and who were incapable of the practices imputed by the hon. Member for Perthshire. Some of the petitioners were most respectable country gentlemen and yeomen.

Subject dropped.

Tea Duties.] Mr. *Grote* said, that he had a question to put to the Chancellor of the Exchequer on the subject of the Tea Duties. The House was aware, that on the 1st of July next, the duty on tea was to be raised from 1*s.* 6*d.* to 2*s.* 1*d.* a pound. Now, the stock of bohea tea unsold was at present very large, and it would be a great inconvenience to the holders to have to provide for the immediate payment of so large a sum. In consequence of the representations which he had made to the right hon. Gentleman on behalf of his constituents, the right hon. Gentleman had been pleased to grant time for the payment of this duty. He was therefore induced to call upon the right hon. Gentleman, who, though he had not granted all that was asked, had, at any rate, granted some part of it, to state distinctly to the House what indulgence he intended to grant to the holders of the stock in hand.

The *Chancellor of the Exchequer:* Those hon. Members who were acquainted with this subject, and who had heard the reply which he had given to this question on a former occasion, would anticipate the reply which he intended to give it now. His reply was, that however distressing it might be, that the parties holding large stocks of bohea tea should suffer —and no man could regret that they would suffer, more than he did—the departure from the provisions of an Act of Parliament, which the parties themselves had called for, would be a precedent full of inconvenience to the large mercantile community of which those individuals formed a part. If such a precedent were established, no man would know on what he had to depend. If a law made at one time could be altered at another, because the parties on whom it operated found it difficult to meet the payment of the duties which it imposed, there would be no end to the applications which would be made to him for such alterations in our fiscal statutes. He was therefore prepared now, as he was formerly, to give an unqualified negative to the proposition for affording to the holders of the stock of bohea now unsold an indefinite time for the payment of the duties on it. The House would recollect that their application was one of a very peculiar kind. It was to give them the full benefit of the late Act, so far as regarded the remission of duty, and to free them from the obligations of it, so far as regarded the duties that were raised. He would, however, inform the House of the determination to which the Treasury had come upon one part of this subject. It so happened that the alteration of the law had been made with the cognizance and at the suggestion of the parties now applying for relief. That alteration would make the payment of a considerable sum necessary to all who were not prepared to pay the new duty of 2*s.* 1*d.* per pound. He was aware that it would afford great facilities to the parties to postpone the payment of the new duties to a period after the 1st of July; and to afford those facilities a special Treasury minute had been issued, authorising all persons entering tea for home consumption previous to the 1st of July to take a time not exceeding thirty-one days for the payment of the duties to which they then became liable. There was no doubt that there were a great many precedents for granting them such a privilege. There were, however, some other points connected with this subject, which could not be settled without coming before the House; and the Treasury minute therefore contained a direction that a copy of it should be forthwith laid on the table of the House of Commons. The advantage which would be derived from the extension of this period to individuals residing in the city of London, would be extended to individuals in all parts of the united kingdom; for it would be open to great objection, if this indulgence had been limited to the city of London, and not extended to such places as Liverpool, Glasgow, Edinburgh, and Dublin. He hoped that he had given a distinct answer to the question of the hon. Member for the city of London; and he had now only to observe, that the Treasury minute to which he had alluded, would be laid that evening on the table of the House.

Mr. *Robinson* said, that so far as the Government had conceded the postponement of the payment of this money for a month, it had acted wisely; and so far as it had refused to remit the lower duties, it had performed its duty to the public.

Mr. *Stewart Marjoribanks* was understood to say, that the tea trade were not satisfied with the conduct of the Chancellor of the Exchequer, and could not thank him for the boon which he professed that he conferred upon it.

Viscount *Sandon* did not wish to create a discussion, when, strictly speaking, there was no question before the House. He only rose to protest, on the part of his constituents, against being exposed to other more serious losses by any further changes in the duties on tea.

The *Chancellor of the Exchequer* said, he had no power to prevent agitation of this question more than of any other; but he had no intention whatever of introducing any further changes in the duties on tea.

Sir *R. Peel* was very anxious to know when the Treasury minute would be laid on the table. Undoubtedly, even in the present state of information which they possessed on the subject, there seemed some peculiarity in this case. The law fixed the 1st of July for the payment of the high duty; and the Treasury minute extended the period, obviously admitting the existence of some peculiarity in the circumstances of the parties. He did not wish to provoke a debate on the present occasion, but he must say, the question had not been very fairly stated in the conversation which had already taken place. The parties, said the right hon. Gentleman (Mr. T. Rice), had full notice of the law. It ought to be recollected that orders for tea had been given before the law passed. The Bill was brought in late last Session; it did not become law till August, and then provided that on the 1st of July following a high rate of duty should be paid on certain teas. The orders having been given before the passing of the Act, and there being no power since the 1st of July last to order tea from China, the large stock at present on hand must have arisen under the impression that the old duty would be continued. Some of the parties, no doubt, had acceded to the passing of this Act, but others could not be bound by their acquiescence. On the whole, however, he was not prepared to say that the right hon. Gentleman had not done well in acting as he had. The special circumstances of the case deserved favourable attention, at least, to the extent granted by Government.

The *Chancellor of the Exchequer* said, the Treasury minute would be laid on the table in the course of the evening, when he should be most willing and happy to give any explanation which might be required of the principles by which he had been guided in this particular case. He trusted he should be enabled to justify the course he had adopted, and to show, however desirous Government might have been, and they were really most desirous to give any relief to the parties, which might be consistent with the maintenance of the general principles that should regulate the financial and commercial transactions of the country, they could not have gone further than they had already done. Before the question had been asked, he felt the matter to be one which it was fitting should be taken into favourable consideration, and he had therefore given directions as to the Treasury minute to the effect he had stated.

PAPER DUTIES.] Sir *George Clerk* wished to ask a question of the right hon. Gentleman (Mr. Rice) relative to the duty on paper. The House was aware, that in consequence of the declaration of the Chancellor of the Exchequer that he would not allow any drawback on paper in stock after the 10th of October, the trade had been almost entirely suspended. He trusted, however, the result of the notice given by the hon. Member for Middlesex would relieve the paper manufacturers from the embarrassment under which they at present suffered. He understood the Chancellor of the Exchequer intended to propose, by way of palliation, that after a time to be fixed paper should be allowed to be taken from the mills, and remain in bond under certain regulations, without payment of the duty. He wished to know at what time the right hon. Gentleman meant to permit paper, under any and what regulations, to be carried out of the mills without payment of duty; because the premises of manufacturers being in many instances extremely limited, they would be unable to keep a large stock, or be exposed to very great inconvenience, if the trade were not brought to a complete stand-still.

The *Chancellor of the Exchequer* did not mean to take the course which had just been suggested—the plan he meant to adopt was of another description, but intended to effect the same object, namely, the relief of the trade from that stagnation to which they had incidently become liable in consequence of the reduction of the duty. The course he meant to take was this: with respect to stained paper, he proposed the duty should cease on the 5th of July, and with respect to first class paper and milled boards, the reduction of duty should not take place till the 10th of October; but in the mean time, in order to relieve owners of paper mills from the necessity of having their premises burdened with too large a stock, it was proposed to allow them to pass paper into the stocks of the stationers, their customers, under the direction of the Board of Excise, the duty having been paid before it was issued from the mills; and any stock of that paper remaining unconsumed on the 10th of October, in the hands of the stationers, would entitle them to a return equal to the excess of duty on that denomination of paper. This would enable the owners of mills to continue their works, and the stationers to keep up their stocks and purchases, and on the 10th of October entitle them to the difference between the high and low duty on the amount of their stocks. He had adopted this plan at the suggestion of some of the parties; and finding he could without prejudice to the revenue, he was extremely glad to be enabled to relieve the paper-makers.

COUNTY BOARDS.] Mr. *Hume*:[*] I rise, Sir, for the two-fold purpose—first, of calling the attention of the House to the petitions I lately presented from the parish of Mary-le-bone, and from the counties of Stafford and Chester, praying for an alteration in the present mode of assessing, levying and controlling the expenditure of the county-rates; and secondly, to move for leave to bring in a Bill in conformity with the prayers of those petitions, and in pursuance of the notice which I have already given. The object of the Bill is to separate the judicial from the financial affairs of the counties of England and Wales, and to authorize the rate-payers of counties to elect a certain number of representatives to form a County Board for the assessment, levying, and administration of the county-rates, and to perform those duties having reference to the financial expenditure of the counties, now executed by the Magistrates in Quarter-Sessions. At present there is not that sufficient check on the management of the county-rates which there ought to be, and which the rate-payers have a right to demand. This is owing to the inherent defects of the present system—the principle of which is, that those Magistrates who levy and direct the expenditure of the rates are independent of those who pay them. A Commission has been employed in investigating the expenditure of the county-rates, but their inquiries have been confined principally to prosecutions and the expense attendant on them, which have hitherto been defrayed from the county-rates. What I complain of is, that there is no responsibility, attached to any of the Magistrates who have the power of assessing and expending the rates—that there is not that wholesome check and control over the taxes in counties which has been lately extended to the Municipal Institutions of the country. A majority of this House and of the country has approved of the Bill for allowing the inhabitants of corporate towns and cities to elect persons to control the municipal taxation, and also to recommend Magistrates for their respective cities and towns, and I ask the same privilege for counties. The House is aware that the present mode of managing the county-rates has been investigated before a Committee up-stairs; and the Report of that Committee shews to what extent abuses prevail in the present system. With a view of illustrating the extent of the want of control by the county rate-payers as compared with the municipal rate-payers, I shall read the following statement:

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[*] From a corrected Report.

Statement of the Population in the Cities and Boroughs of Great Britain, which send Members to Parliament, the greater number of which recommend their own Magistrates through their Councillors.

	No. of Cities and Boroughs.	Population at the Census of 1831.	No. of Electors enrolled 1832.
England . .	185	4,754,742	274,649
Wales . .	14	196,311	11,319
Scotland .	76	865,007	31,322
Great Britain	275	5,816,060	317,290

Also a Statetement of the Population of the Counties where the Magistrates are appointed by the Lord-Lieutenants, the people having no choice or control.

	No. of Counties.	Population at the Census of 1831.	No. of Electors enrolled 1832.
England . .	40	8,336,263	344,564
Wales . .	12	609 ,871	25,815
Scotland .	30	1,500,107	33,115
Great Britain	82	10,446,241	403,494

Total population of Great Britain, 16,262,301; number of electors, 720,784; number of county magistrates, 18,984. If the population of the five metropolitan boroughs in which there, are no councils or magistrates elected by them 1,118,725, be deducted from the aggregate of represented cities and boroughs amounting to 5,816,060, there will be only 4,697,335 actually with magistrates of their own recommendation. And if the population of the five boroughs be added to the county population of 10,446,241, the total will be 11,564,966—namey, the proportion in cities and boroughs, 28,88-100; proportion in counties, 71, 12-100.

It appears, then, that, in round numbers, there are 11,500,000 inhabitants of counties who have no share in the management of, or control over, the expenditure of county-rates, nor the right to appoint the county officers, or to recommend their magistrates. The chief object I have in view in bringing forward the present measure is, instead of the irresponsibility which now exists, to give to the rate-payers of counties the same power and control over their local or municipal taxes as is possessed by the inhabitants of corporate towns and cities. I wish to show how unjust it is to have individuals acting as magistrates, who, being named by the Lord-Lieutenant, without any choice on the part of the people, have ample power to take from the pockets of the people any sum for any expenditure they may think proper. It appears, by the evidence given before the Committee on County-Rates in the last Session, that there is no fixed general principle for assessing the rates in counties; that the assessment varies in each county, and very often there are different modes of assessment pursued in the same county. By the Report of that Committee, the valuation on which the rates are collected was made in eighteen counties on the amount of the Property-tax as it was in 1814; in twenty counties the rates are laid on the actual value, or some proportion thereof; in thirteen counties it is not known on what principle the collection is made; and in one county it is agreeable to 12th Geo. 3rd. Under these circumstances, it is difficult to say on what principle the present system rests. It happens in some counties, that large masses of property are never assessed for the purpose of local taxation; and while the owners of such property derive equal benefits with the rate-payers from the application of the county-rates, yet they do not contribute anything towards them. It is, therefore, utterly impossible that justice can be done, whilst inequality in the valuation and assessment prevails to such a degree in separate parishes and in towns. To illustrate this as regards parishes, I would submit a statement of the present assessment of the county of Middlesex. The right hon. Baronet (Sir R. Peel), in introducing his Bill for the establishment of the metropolitan police, was obliged to assume a certain sum for levying the rates in each parish for the support of the police force. I shall read from a parliamentary paper some of the valuations on which the police-rate is levied in the parishes in and about the metropolis. The parishes of Acton contribute on two-thirds of rack-rent; Barnes, on the net value; Battersea, on the full, or rack-rent; Christ Church, Surrey, on two-thirds of ditto; Clerkenwell, on something less than rack-rent; Fulham, on five-sixths of assessment; Greenwich, on four-fiths of rack-rent; Mile-end Old Town, on three-fourths of assessment; Paddington, on four-fifths of ditto; Penge on 2*s.* 6*d.* per 1*l.* on assessment; Poplar, on seven-tenths of rack-rent; Putney, on between three-quarters and seven-eighths of rack-rent; Ratcliff, seven-eighths of rack-rent; St. Anne, Limehouse, on two-thirds small, and four-fifths large houses; St. Anne, Westminster, on four-fifths; and St. Mary, Stratford, Bow, on seven-eighths. Sir, if it had been desirable to devise the greatest possible variety of assessments, the ingenuity of man could not have effected that object to a greater extent than appears from this document to exist in this and the neighbouring county. Inequality also exists in many other counties, though perhaps not to the same extent. Other counties have been called upon to give returns of the mode upon which each of them proceeds in its assessments, but they have not been made, and I cannot, therefore, give further examples. The Police Report states this:—

> It appears that the assessment on which the county-rate is founded was made, from time to time, by the parish authorities of the respective parishes; that different parishes made the returns in different ways: that in some, the rating empty houses was objected to, and, in consequence, omitted in the Return to the county; and that, in fact, no clear and general rule prevailed. It is obvious, therefore, that some regulation is required, founded upon some clearly-defined general principle; and some fresh control is required over the alterations which are sometimes made in the Return for the County-rate.*

In the Report of Committee on County Rates, Mr. Hinxman states:—

> This regulation of valuation becomes necessary from parishes being rated to the poor-rates in very unequal proportions of value; for though it is the duty, interest, and business, of every parish to include all rateable property, and preserve as nearly as possible an equal rate, yet it does not matter to a parish whether its rate is assessed at a high or low value. Hence it may happen that the parish of A. is rated only at one-half its value, that of B. at two-thirds, that of C. at three-fourths, and so on; and, therefore, to found an equal County-rate, all these different proportions of value must be equalized upon one scale, and by this means the County-rate is rendered equal; and it is so easy and simple a mode, that to revise all County-rates, every seven or ten years, would cost a county so trifling a sum, that it is presumed the beneficial effect in rendering a county-rate fair, just, and impartial to all the contributors to it, would amply compensate for entailing upon parishes such cost of revision and equalization.

Now, Sir, I think I have succeeded in proving the great inequality that exists in the assessment of parishes; and I shall next call the attention of the House to the great variety there has been in the amount of the valuation. By Act 55th Geo. 3rd, for equalizing county-rates, a Return was ordered. I extract some items from that Return, as follows. In Lancashire the difference was great, viz:—

	1814. £.		1829. £.
In Liverpool the valuation was .	584,687	and	751,126
In Cheetham	8,529	,,	24,090
In Preston	34,936	,,	80,984
In Bolton District . . .	169,673	,,	320,467
In Lonsdale, South Side . .	172,541	,,	159,362
Ditto North Side . .	105,655	,,	123,000

Shewing that valuations, from time to time, are necessary, if we expect or intend that all kinds of property should contribute equally to the county-rates; and, as another example of the inequality in the valuation of land, and of mills and factories, &c., I find that, in Warwickshire, land pays 107,143*l.*, whilst the mills and factories pay only 2,703*l.*; and, in Leicestershire, land pays 108,330*l.* while mills and factories pay but 783*l.* I think these examples show that a valuation should be made from time to time, and upon some known and fixed principle, in order that injustice may not be done in the assessments. There is not only a great difference in the mode in which these county-rates are raised, but instances have been given of large, populous, and rich places, where no county rates are at all paid. I shall quote an instance given by Mr. Portman formerly a Member of this House. In speaking of the inequality, he says "the town of Weymouth, possessing so much wealth, does not pay 6*d.* to the county-rate of Dorset—having come into existence since the last valuation for county-rates was made." A stronger case could not be given to show the necessity of an alteration. He further says, that there have been, of late years, forty inclosure Bills passed for inclosures in the county of Dorset, and that these new lands paid no county-rate. Many places claim, in the same way, exemption from county-rate.

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* Since October, 1833, one uniform plan has been adopted, omitting unoccupied property.

The county-rates have increased to an enormous extent within the last few years. As a proof of this I would refer the House to a statement made in the Appendix of the Report of a Committee of the House of Lords on the subject in 1834. In that Report there is a comparative statement showing the increase which has taken place in a number of items of county expenditure, between the years 1792 and 1832 to be so very large, that I am sure hon. Members will see the necessity of putting some limits to the expenditure. It is as follows:—

A Summary of the Expenditure of the County Rates in England and Wales, in 1792 and 1832, or for such year as could be obtained nearest to such period, under the several heads, with the increase and decrease of each.

HEADS OF CHARGES.	Expenditure.		Net Increase.	Total Increase per Cent.	Increase per Cent.	
	1792.	1832.			In England.	In Wales.
	£	£	£	£		
1. Bridges, &c. - - -	42,237	74,501	32,264	76	69	144
2. Gaols, Houses of Correction, &c. - -	92,319	177,245	84,926	92	90	156
3. Prisoners, Maintenance of* - - -	45,785	127,297	81,512	178	170	341
4. Prosecutions - -	34,218	157,119	122,901	359	349	671
5. Constables - -	659	26,688	26,029	4,338	4,326	1,100
6. Professional - -	8,990	31,103	22,113	248	249	241
7. Salaries - - -	16,315	51,401	35,086	215	205	566
8. Vagrants - -	16,807	28,723	11,916	70	77	decre. 94
9. Lieutenancy & Militia	16,976	2,116	decre. of 14,860	..	..	decre. 88
10. Coroners - - -	8,153	15,254	7,101	87	86	106
11. Incidental - - -	17,456	32,931	15,475	88	97	5
12. Miscellaneous, Printing, &c. - - -	15,891	59,062	43,173			
Total - - £	315,806	783,442	482,495	148		

Increase······£482,495
Militia, deduct 14,860

£467,635 Increase 148 per cent.

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* Expended thus:—

	In 1792.	In 1832.	Increase per Cent.
Maintenance before and after conviction	£40,627	£87,798	218
Conveyance of prisoners . .	4,865	25,201	525
" of transports for embarkation	653	14,298	2,383
	£45,785	£127,297	

I shall now proceed to examine some of the items in this table. With reference to County Lunatic Asylums, I cannot help observing that, after the excellent mode in which the Poor-Law Bill has worked, it would be better to place these asylums under the control of the Commissioners of Poor-laws, than leave them to the management at Quarter-Sessions. I think, also, that every prison in the country should be placed under the control of the Crown, and under one uniform system of management, and that the expenses of the prisons should be defrayed by the public at large, and not out of the county-rates. By such arrangement the expense of the county would be materially diminished, and a much better system than prevails at present would be adopted. I would, however, state, that the counties should pay the expense of apprehending, keeping, and bringing the prisoner to trial, but that when tried, they should be under the management and at the expense of the Crown. It would be highly useful to establish local courts for the trial of offenders, by which great expense and trouble would be saved. The expense of trying a person at the Assizes, on the average of thirteen counties, has been 24*l.* 7*s.* while the average at the sessions, in the same counties, is only 8*l.* 5*s.* 3*d.* The establishment of local courts sitting periodically, would not only save the difference of this expenditure, but would also effect a material saving in the sustenance of the prisoners for months before they could be brought to trial. I shall now submit to the House the whole of the statement just alluded to, of the relative expense charged on the county rates, for prosecutions at Assizes, and for prosecutions at Sessions in the year 1832, in thirteen counties in England and Wales, taken at random. The statement runs thus:—

COUNTY.	ASSIZES, 1832.							SESSIONS, 1832.						
	No. Tried.	Expense.			Expense per Head.			No. Tried.	Expense.			Expense per Head.		
		£.	s.	d.	£.	s.	d.		£.	s.	d.	£.	s.	d.
Derby	43	823	19	0	19	3	2	80	809	1	5	10	2	3
Hants	104	1942	1	0	18	13	5	166	894	18	4	5	7	9
Lancashire ..	126	5044	16	3	40	0	1	2587	20612	0	0	7	19	4
Leicester	80	1833	1	4	22	18	3	101	954	17	10	9	9	1
Norfolk......	95	1945	9	3	20	9	7	244	1701	3	5	6	15	4
Rutland	4	53	4	3	13	8	4	6	25	4	0	4	6	0
Shropshire ..	81	1663	4	4	20	18	8	110	1204	9	6	10	19	0
Wiltshire	128	1677	8	2	13	2	1	142	583	0	3	4	2	1
Cheshire	101	3707	6	5	32	14	10	382	4421	15	2	11	11	6
Bucks	71	1310	13	6	19	17	3	94	864	8	6	8	2	7
Anglesey	6	666	18	9	111	3	1½	2	36	5	7	18	2	9½
Denbigh	11	553	0	9	50	5	6	22	240	12	1	10	18	8½
Radnor......	14	284	5	9	20	6	7½	8	50	18	2	7	9	9
Average of 13 counties ..	67 6-13	1654	6	0	24	17	0	303 7-13	2508	5	9	8	5	3

I find that many of the witnesses before the Lords' Committee agree in opinion with me in that respect. In the Lords' Report, page 73, Lord Wharncliffe is asked—

"What may be the probable effect of throwing the expense of prisons on the general fund of the country?—I should rather prefer the prisons being in the hands of some responsible officer of Government than in the hands of the magistrates. I think it would not be desirable to put all the expense of bringing the prosecution and the management of it on the country, but that, after he is convicted, the prisoner should be handed over to the Government, to be dealt with according to his sentence. I would introduce a more uniform mode of prison discipline than there is now.

"Would you propose the management of the prisons to be under the control of Government?—Yes; but I give that merely as opinion.

From this statement, the House will at once perceive how superior would be the advantage, and how great the saving, of trying all cases before local courts, sitting periodically, instead of keeping them for three, five, or six months, for the assizes. The statement of expenditure under the three great heads of bridges, gaols, and prosecutions, in five counties, taken at random, in 1792 and 1832, stands respectively thus:

COUNTIES.	Bridges.		Gaols.		Prosecutions.	
	1792	1832	1792	1832	1792	1832
	£.	£.	£.	£.	£.	£.
Berks	7	605	448	5015	109	1300
Surrey	370	290	1931	15402	217	3165
Stafford	298	5668	2601	7108	102	6006
Devon	1712	2110	3221	3603	153	2975
Suffolk	613	302	648	2973	9	3258
Total expenditure in five counties . . .	3000	8975	8849	34101	590	16704
Showing an increase per cent.		199		284		2371

Again, of late years, the expense of county officers of all descriptions has been very much increased. The increase per cent. in the salaries of various county officers, from 1792 to 1832, in five counties taken at random, will appear from this Table:—

COUNTIES.	Treasurers.	Chaplains.	Surgeons.	Surveyors.	Gaols.	Governors of H. of Correction.
Cornwall	355	50	—	185	1027	—
Devon	614	21	43	375	350	166
Hants	174	48	—	114	113	211
Leicester	56	—	—	47	79	84
Somerset	454	2	97	—	—	—

My own opinion is, that the duties of treasurer in particular might be most efficiently fulfilled by any banker in the county, and thus the whole expense of that officer be saved. The evil is aggravated still more by the practice which I have so often condemned—namely, that of paying officers by means of fees, whilst, in the view I take, the officers ought, in all cases, to be remunerated by a fixed salary. I hope I shall not tire the House by referring to one or two authorities on this subject. The county-rates in England and Wales have much increased; in 1792 they were 315,805*l*., in 1832, 783,441*l*. In 1792, the county rates of Middlesex amounted to 39,832*l*., and in 1832 they had increased to the enormous sum of 77,772*l*. In the parish of Mary-le-bone, the county-rates have been 9,651*l*. annually on the average of the five years, 1830, 1831, 1832, 1833, and 1834. There have been large increases in the same period in the county rates of Leicester, Essex, and Nottingham. The Duke of Richmond in February, 1834, said—

> "Before moving for the appointment of a Select Committee to inquire into the subject of country-rates, I wish to trouble the House with a few words. Your Lordships are doubtless aware, that within the last few years, the county-rates of England have greatly increased, not only in consequence of the provisions of various Acts which have been passed from time to time, but very possibly from other causes, into which, I think, at the present moment, your Lordships will not deem it desirable for me to enter. His Majesty's Government have for some time past turned their attention to this subject. It appears that during the past year another increase to a considerable amount has taken place in the local taxation of England and Wales; and under these circumstances it appears very desirable that a Committee of your Lordships' House should be appointed."

I have here the testimony of several other persons to the same effect; but I shall trouble the House only with Mr. Robinson's opinion. He says, pages 142 to 145, that—

> "The great evil in the county-rate revenue department, is the irresponsibility of those who disburse the money of the rate-payers. . . . A better control, by a smaller and more responsible body than the court of Quarter-Sessions. Accounts should be paid quarterly, and regularly audited, &c."

Now, Sir, it is upon that very principle I make my proposition to the House, with this difference, that I propose the appointment of responsible officers by the rate-payers. I am sure no hon. Member can look at the statistics I have read, and not admit that great abuses arise from the present system, which I am convinced cannot be removed except by a complete alteration in the law. I therefore submit that the judicial and financial affairs of every county should be separated. The financial affairs should be committed to the management of a County Board, composed of a certain number of persons elected by the rate-payers of the county or their representatives; the existence of such Boards being limited, say to three years. This Board should, immediately upon their powers and election being verified by the Sheriff, proceed to elect a chairman, and then to appoint the county officers. The county magistrates should be permitted to exercise no interference whatever in levying or expending the rates. Every county might be divided into districts, and each district might select a certain number of members for the County Board. I would propose that the County Board, so selected by the rate-payers, shall recommend to his Majesty a number of persons to be elected magistrates for provincial and police matters, as in the Municipal Corporations. The judicial business of the county might, for the present, be left to the Lord-Lieutenant, and the justices of the county appointed by him. The adoption of such a plan as I suggest, would produce the good effect of dealing out equal justice to the county constituency, with that which has been dealt out by the Municipal Bill to the town constituencies. Lord Wharncliffe says that—

"All the financial business of the county (West Riding of the county of York) is done at one time of the year, and upon one day in the year. I do not mean to say, that if the business to be done is of great extent, it may not be carried on to another day, but that the business is advertised, and always begins at a certain hour on a certain day at the Easter Sessions, that day is the Wednesday in the sessions week. The first step that is taken after the meeting of the Court on the Monday at Pomfret, is the appointment of a finance committee. The finance committee proceed immediately to call upon the treasurer for his accounts; and his accounts are audited and prepared for us on the Wednesday. Notes are taken by the committee of any charges they may think improper to be brought before the whole body of magistrates to be inquired into."

Sir William Cosway, a magistrate, says:—

"In the county of Kent, we have no committee of accounts; the whole is submitted annually to the body of magistrates. I think it would be infinitely better if a committee were appointed—say three, or, at the utmost, five; I believe three would be better, because, with so large a body, there is not anything like individual responsibility; and, according to the old doctrine, what is everybody's business is nobody's business. Those three gentlemen would be aware that the eyes of the county were upon them; and if there were found to be any excess or abuse of expenditure, that would come home to them. The habit in Kent is, that some time in June, the commission day of the summer assizes, a week before certain gentlemen do meet at Maidstone, but it is more as auditors of accounts than comptrollers or superintendents of expenditure."

Mr. M. H. Courts, in a letter of 17th April, 1836, says:—

"Under the order of the Court of Quarter-Sessions for the county of Berks, in 1825, the treasurer has, since that period, published in the county papers, quarterly abstracts of his receipts and disbursements; but in such publications, which have superseded the annual abstract required by 55th George 3rd, cap. 51, the treasurer has rarely made any entry of balances of cash in his hands, so that the rate-payers have had no opportunity of determining for themselves the fitness of the assessments made upon them, nor the accuracy with which such detailed accounts have been presented to them."

Sir Thomas Fremantle, in a speech on county-rates, August 10th, 1836, on the vote moved for Government paying half the expenses of criminal proceedings, said:—

"I am one of those who deny that the magistrates look after the local expenses of counties to the extent they ought to do. They do a great deal I allow, but still not so much as I wish. A public officer ought to be sent down to superintend the management of the county funds, and the arrangement would introduce great economy, and an uniform system into the counties."

As the plan I propose gives a sufficient control over the finances, and also an appeal to the Secretary of State, if the representatives of the County Board should exceed their power, and likewise will establish a complete representative system, I am at a loss to know upon what grounds any Gentleman can oppose it. But, Sir, I may be asked how I intend to conduct the affairs of this Financial Board during the intervals of its sittings? I propose that the Board, when assembled, should appoint an exclusive Committee, who shall be held responsible for the administration of the financial and police affairs of the county, and the members of which I would pay for their time and trouble, if necessary. It may be said that the Poor-law Unions would answer the purpose, but to that I am opposed for several reasons—

first, because the Poor-law Unions ought to be an inferior Board, and subservient to this Board, which should be paramount in the county; secondly, because the unions are formed from different counties; and I have yet a stronger objection in the fact, that the guardians of the poor are elected by a plurality of votes:—a variable qualification at the will of the Poor-law Commissioners, who are appointed by the Crown, and thus county affairs may be influenced by the Poor-law Commissioners and by the Crown. Besides, unions are not yet established over half the country; and my wish is to extend the operations of the now proposed measure over the whole country at once. The country is anxious for the change, and I trust that there will be no opposition to its being carried into effect. I therefore move for leave to bring in a Bill "To separate the financial from the judicial affairs of the counties in England and Wales, and to authorise the rate-payers in counties to choose representatives to form a County Board for the assessment, levying, and administration of the county-rates and financial affairs of counties in England and Wales.

Mr. *Wyse* could not but congratulate his hon. Friend, the Member for Middlesex, on his having brought forward such a measure as that which he had just moved for leave to introduce, which appeared to be in some measure founded upon the Irish Grand Jury Bill. It would be remembered that when some time ago a similar measure was introduced, it was said it could not be carried into effect. Since then the Municipal Corporation Acts had demonstrated the sense which the Legislature had of the importance of giving to the borough rate-payers control over their local affairs. And he rejoiced at seeing this measure introduced, as it seemed to be the first step towards extending that principle to the counties. He trusted that when it had been found applicable to England, it would not be long ere it was extended to Ireland also.

Mr. *Eardley Wilmot:* Sir, I do not object in the slightest degree to the proposition of the hon. Member for Middlesex, as it goes to exonerate the county magistrates from a portion of the onerous and painful duties which they now have to perform. With respect to the inequality of the rates in various counties, on which the hon. Member has dwelt at some length, I must observe that it does not appear to me to be applicable to the present question; because the magistrates at present have no control over that subject. With respect to the salaries, &c. and the other branches of county expenditure referred to, all these have been considered before the County Rates Committee; and to the abuses at present existing, all the remedies suggested by the hon. Member have been proposed. But what I wish principally to observe is this; that I do not think the hon. Member has gone far enough; for I fear much that if you take away from the magistrates their financial control, you will find considerable difficulty in getting them to attend to their judicial duties. In my own county I can speak from experience, for on the first day of the Sessions, when financial matters are to be settled, there are usually from thirty to forty magistrates present; but on the next and following days, though perhaps there may be 150 prisoners to try, I can often with difficulty obtain the presence of a second magistrate; and if I refer in any case of difficulty to any magistrate present for his opinion, the answer usually got is, "Decide it yourself; you know much more about it than I do." I think, therefore, the Bill of the hon. Gentleman should be carried further, and that, as he has in what he now proposes copied the measure of municipal reform, he should copy it to the extent of appointing a County Recorder, to be nominated and paid by the Crown, who shall be a Barrister of not less than ten years' standing, and who shall preside at Quarter Sessions, and at other intermediate Sessions, for the trial of offences. And I think that he should not only sit at Quarter Sessions, but should sit in various parts of the county. For the fact is, that if you separate the financial and the judicial functions, you will find great difficulty in getting the magistrates to attend to the onerous and invidious duty of punishment only. With respect to what the hon. Member has suggested as to the appointing of county magistrates, by recommendation from the County Board, there can be no objection to that, if the persons so recommended are from their property, education, and other circumstances, fit to be elected to the magisterial office. If, as I understand, this Bill provides no qualification whatever, I confess I see great difficulty in effecting that object. At the same time I must protest against any charge being expressed against the county magistrates; for I do not think that under the present system justice could be administered better; though I think it may be administered much cheaper. I can only say for my own part I court the most perfect responsibility; and I think this Bill ought to be introduced, that it may be brought into such a shape as may give universal satisfaction.

The question carried: Bill to be brought in.

PLEADINGS.] Mr. *Pryme* begged to call the attention of the House to the Act of 1833, for the amendment of the law which referred it to the Judges to make certain rules relative to Pleading, subject to the approbation of that House. The most important perhaps of these rules was that which called on all parties to plead specifically and distinctly, and to put their defence plainly upon record. Notwithstanding this salutary provision there had been a clause inserted in many Acts that had passed, such as Acts relating to fisheries, omnibuses, and many others, for the purpose of allowing parties to plead the general issue, and yet give special matter in evidence. The plain English of such a clause was, that the defendant was to be enabled to take advantage of the plaintiff by surprise, that he was not to let him know his case till the hour of trial, and then he was to be permitted to bring forward evidence of which he was not aware, and which, had he been aware of it, he would have been prepared with evidence to rebut; and by these means the defendant was, perhaps, enabled to snap a verdict contrary to the real merits of the case. He had just heard that the hon. and learned Member for Exeter (Sir W. Follett) had it in contemplation to propose a Bill to remedy this evil. Had he been aware of the fact sooner, he would have taken an opportunity of conferring with that hon. and learned Gentleman; but at present he would content himself with moving, "That it is contrary to the spirit and intention of the Statute 3rd and 4th Wm. 4th, chap. 42, sect. 11, and to the rules of the Judges founded thereon, to introduce into Bills a clause enabling persons sued for any act under the same, to plead the general issue, and to give the special matter in evidence."

The *Solicitor-General* expressed his entire concurrence in all that had fallen from the hon. and learned Gentleman, and he believed that he would receive the thanks of the profession and of the public at large for having brought it forward. There was indeed some feeling amongst the public, against what was called special pleading, but it was only amongst those who did not understand that the whole object of it was, that the plaintiff should distinctly state his ground of complaint, that the defendant should as distinctly state what he had to allege to the contrary, how much of the complaint he admitted, and how much he denied, so that both parties should know what was the real question to go before a Jury, and be prepared with evidence accordingly. At the same time he must say, that the evil which the hon. Member proposed to meet was one which this House always had the power to meet. The Resolution he proposed only went to affirm that the House would in future meet it; and he thought that having brought the subject before the House, and the feeling of the House being evidently most strongly against the custom which he wished to put an end to; and as the Resolution would only hamper the House, and might produce great inconvenience, the hon. Member would feel it unnecessary to press it. He (the Solicitor-General) was quite sure that in future they would have all their eyes about them, and endeavour to prevent the continuance of the practice.

Mr. *Pryme:* After what my hon. and learned Friend, the Solicitor-General, has said, I beg to withdraw my motion. My only object in bringing it forward was to give the House an opportunity of expressing their opinion upon the subject.

Motion withdrawn.

REGISTRATION OF VOTERS.] On the Motion of Lord John Russell, the House resolved itself into a Committee on the Registration of Voters' Bill.

On the 68th Clause, "as to putting questions at the poll,"

Mr. *Maclean* rose to propose a motion of which he had given notice, "that the 3rd section of the clause relating to the question of qualification, be restored to the Bill." The object of the Reform Bill was not only to secure the representation of numbers, but of property also; but by the present state of the law many an honest voter was deprived of his franchise, although possessed of the requisite qualification, while others, who since their first registration had parted with their property, were enabled still to vote. It was also pretty well known that property was often conferred upon parties at the time of registration in order to make a vote for those who so transferred it. It was not to be expected that Members of Parliament would go to the expense of keeping up a machinery for the purpose of finding out and cancelling bad votes, but the law should be so constructed as to have that effect as far as it was practicable. He conceived that such would be the effect of a third question which he wished to have incorporated with the Bill. This protection against fraudulent voting, he admitted, was required more in counties than in boroughs and towns, because in the latter the overseers of the several parishes and other local officers were on the spot for the purpose of testing the qualification of the vote. The only questions now proposed by the Bill to be put to the party presenting himself at the hustings, were, first, as to the name and residence, and second, "Have you already voted either here or elsewhere at this election?" &c. Now, what he proposed to add was this question, "Have you the same property which is described in the register, or as much thereof as will entitle you to vote?" This would deprive no man who was properly qualified of his vote, while it would prevent bad votes from being taken.

The *Chairman* suggested, that the amendment was applicable to the clause following before the Committee: amendment deferred; the clause agreed to.

The 69th Clause having been read, the amendment was again proposed.

Mr. *George F. Young* expressed his willingness to support the amendment, if it were so modified as to meet the case of borough electors. It often happened that persons were deprived of their votes, not because they had no qualification, but simply because they had changed their place of residence; while others, who had become insolvent and retained no part of the qualification on which they were originally registered, came up and exercised the franchise; and not unfrequently would a man, after he had entirely left the place, as well as lost the property, return and vote at an election upon the qualification originally registered. These things he conceived to be entirely at variance with the principles of the Reform Act and of justice, and means ought to be taken to put a stop to them.

The *Solicitor-General,* after recapitulating the law of qualification as laid down in the Reform Act, observed, that though there might be some thirty or forty instances of the kind alluded to by the hon. Members who had spoken, out of some thousands of votes, he thought the balance of the conveniences was in favour of the existing law as proposed to be amended by the Bill. A competent tribunal had been appointed to test the qualification of voters, and it would be scarcely necessary to repeat it at the hustings.

The Amendment was withdrawn, and the Clause agreed to.

On Clause 75th,

Mr. *Winthrop Praed* moved the omission of all the words after the words, "shall have tendered his vote at such election." The purport of the words so proposed to be left out was to restrict the power of Committees on election petitions to decide upon the right of parties to vote to cases "in which the name of such person shall have been specially retained upon the register, or inserted therein, or expunged or omitted therefrom, by the express decision of the Revising Barrister, or by the decision of the Court of Appeal," and also to cases of alleged legal incapacity of the person at the time of voting, by virtue of any Act now or hereafter to be in force, or which may have arisen subsequently to the making out of the register; in all other cases the register of voters in force at the time of election to be final and conclusive. He objected to this provision, as unequal and partial in operation. By adopting this rule, it would happen that in case of a disputed return for a borough which had been long subject to severe contested elections, and the register of which had consequently been thoroughly examined and disputed before the Revising Barrister, and was likely, therefore, to be the more correct, the Committee of this House would again undertake the task of examining and revising the list, thus doubling the expense and the trouble of those who had already had sufficient of both in endeavouring to make the register perfect. On the other hand, in the case of a borough, which had not been contested for some time previous, and the register of which had consequently been neglected by the constituents—this case, where no trouble had been gone to by the parties in order to obtain accuracy, where no expense had been incurred in disputing claims before the Revising Barrister—in such a case as this, where the greatest inaccuracy might reasonably be expected to prevail in the lists, no investigation was allowed to the Committee on the subject; and the parties who had spared themselves any trouble and expense on the subject, were now, through that very act of neglect, to escape from both for the future. This was, he thought, a very strong argument against the justness and the expediency of this part of the clause, and as he had not yet heard any attempt to defend the proposition, he should certainly take the sense of the Committee upon the amendment which he had just moved.

The Committee divided on the Amendment: Ayes 41; Noes 70—Majority 29.

Clause agreed to.

On Clause 76th, limiting the taking of the poll in counties. to one day.

The Earl of *Lincoln* objected to this clause, on the ground that a voter, residing at a distant part of the county, might be unable in unfavourable weather to exercise his franchise; he wished that the consideration of the clause should be postponed.

The *Solicitor-General* said, that there might be some imaginary cases in which parties might not be able to come to the poll, but it was impossible to legislate for every contingency that might be suggested, and he thought that the balance of convenience was in favour of the retention of the clause.

Lord *Granville Somerset* contended, that if this clause were to be allowed to stand part of the Bill, it would debar the freeholders in many cases from exercising their rights to vote. It was not at all an extraordinary case, that an individual living on the borders of the counties should have property in each, and how was he to vote in respect to that property, if the poll was to be limited to one day? Besides, it would be giving the freeholders of the town in which the polling booth was erected, an immense advantage over the country freeholders. As to the argument which had been used on a former occasion in favour of this measure, that bribery was more successfully brought into play after the first day's poll, he must say that there were very few instances of bribery in counties. He did not see that there was any inconvenience from the excitement of the second day's poll, because the great struggle was made the first day, and the polling was always carried on languidly on the second day of polling. He should, therefore, decidedly oppose the clause.

Lord *Ebrington* thought, that if power were given to the magistrates or the sheriff, to increase the number of polling places, the poll in counties might with great safety be limited to one day. The Committee which investigated this subject reported, that it was well known that the time most favourable for bribery was between the first and second day's polling, and that many persons refused to vote on the first day, in order that they might be able to make their own terms. He could state, from his own experience, that instances of bribery in county elections were by no means so rare as the noble Lord opposite supposed, and bribery would be most effectually stopped if the poll were closed in one day. He found, by a comparative estimate that had been made of the number of voters who polled on the first and second days of polling in ten counties, that 37,000 polled the first day, and 7,000 the second, showing that five-sixths of the constituencies of those counties polled on the first day; and in another estimate, where thirty-three counties were taken, 115,000 polled the first day, and 25,000 the second. He would cite a glorious instance of what might be done from an example which occured before the Reform Act. In 1768, in the county of Norfolk, there was a contested election, and four candidates, and by an agreement between themselves and the sheriff, it was settled, that the election should be decided by the first day's poll. The election took place in the month of March, the poll began at eight o'clock in the morning, and closed at eight at night, and in the course of that time, 5,500 voters polled in the city of Norwich, and the poll might, in fact, have been closed by five o'clock. He had this statement from a living witness—Mr. Coke, of Norfolk. Thinking, therefore, that it was practicable to take the poll in counties in one day, and being of opinion that if that were done, it would save expense and prevent bribery, he trusted the Committee would agree to the clause.

Mr. *Baines* observed, that in the last contested election for the West Riding of Yorkshire, where there was a body of 18,000 electors, and the extent of the district was not less than eighty miles in length, and from fifty to sixty miles in breadth, there would not have been the least difficulty in taking the whole of the votes in one day, and, in fact, a very few driblets of voters came up in the course of the second day. The whole body of electors, 18,000 in number, was polled out the first day, except about 2,000, and only a portion of those came up on the second day. If, then, the polling places were increased in number, he felt confident there would be no difficulty in taking the poll in counties in one day.

Mr. *Charles Ross* remarked, that this clause embodied a disputed principle, and it would surely be most proper to have the question discussed in a separate form, and as a separate measure, and not to mix it up with details relating merely to the registration of votes. There might be many persons who objected to this part of the Bill, who agreed in thinking the clauses relating to registration expedient, and he would really put it to the noble Lord, the Secretary of State for the Home Department, whether it would not be better to withdraw the clause, and treat it as a separate measure.

Lord *J. Russell* entirely agreed with the object which this clause had in view, but it was perhaps worthy of consideration, whether it would not be most convenient to deal with it as a separate Bill.

The clause was omitted. Several of the postponed clauses were agreed to, and the consideration of others further postponed.

Sir *J. Graham* proposed an amendment, which was rendered necessary in consequence of the loose manner in which the 25th Clause of the Reform Act was worded. Till that Act was passed, leaseholders for a term of years had no franchise. A lease for lives was held to be equivalent to a freehold; but if it was terminable at a less period it was not so. For the first time, under the Reform Act, copyholds of 10*l.* per annum gave a right to vote in counties; and leaseholds, under certain limitations, were placed on the level of freeholds. It was the intention of the framers of that Bill that the right of voting in counties should interfere as little as possible with the right of voting in cities and boroughs, and it was therefore enacted, that no person should be entitled to vote for a county in respect of copyholds and leaseholds in boroughs. The intention of the framers of the Bill had, however, been defeated in consequence of the word "occupied" having been inserted in the 25th Clause of the Reform Act, instead of the word "held." The words of that clause were, that no person should be entitled to vote for a county "in respect of his estate or interest as a copyholder or customary tenant, or as such lessee or assignee, or as such tenant and occupier, as aforesaid, in any house, warehouse, counting-house, shop, or other building, or in any land "occupied" together with a house, warehouse, &c., such house, warehouse, &c., being either separately or jointly with the land so "occupied" therewith of such value" as would give a right of voting for the city or borough. He would put a case to illustrate his meaning. He, himself, occupied a house in Grosvenor-place, under a lease of sixty years unexpired, from the Marquess of Westminster. That house being a 10*l.* house, gave him a right to vote for the city of Westminster. Now, if he wished to create a vote out of that lease for the county of Middlesex, he could do it in this manner: he might let his coach-house for 7*l.* a year, and his stable for 6*l.* a year; and then, as he ceased to occupy them, it had been held by the revising barristers that they would also give him a vote for the county of Middlesex. Now, that was in direct contravention of the meaning and intention of the framers of the Reform Act; and he therefore wished to introduce a clause to remedy that defect. For that purpose he moved a clause, the object of which was to declare that no lease or assignment of a term of sixty years or twenty years respectively, or any unexpired portion of such term which confers a right of voting for a city or borough, shall confer a right of voting for the county in which such city or borough is situated.

Mr. *Thomas Attwood* proposed, that this amendment, which was very important in itself, and very complicated in its wording, should be postponed for future consideration. It was taking hon. Members by surprise to call upon the Committee to pass it when thus suddenly pressed upon its notice.

Mr. *Aglionby* said, that as this amendment had been on the notice-paper for more than a month, it could not fairly be said that it took the House by surprise. He fully agreed in the propriety of the observations which had fallen from the right hon. Baronet, the Member for Cumberland.

Mr. *Pryme* denied that, there was any fraudulent object in this species of voters for counties.

Lord *J. Russell* agreed with his right hon. Friend that the object of the framers of the Reform Bill was to prevent the inhabitants of towns voting for counties or premises which gave them the right of voting for cities and boroughs. He did not, however, understand how parties could make out before the revising barrister their claim to vote for counties in the mode in which his right hon. Friend had stated.

Mr. *Hurst* objected to this amendment. It would have a much more extensive operation than the right hon. Baronet intended, and would act most injuriously to the interests and franchises of all subtenants.

Mr. *Warburton* said, that if this matter were tried on the intentions of the framers of the Reform Act, the parties whom the right hon. Baronet opposed were not entitled to have votes for counties; but if it were to be tried on the merits, undoubtedly they ought to have them. It was intended by the Reform Act that property should be represented, and these parties having property in the county were entitled to the franchise. He should therefore oppose this amendment, and vote for retaining the clause as it stood at present in the Reform Act.

Mr. *Jervis* was also opposed to the amendment. There was no objection on the part of the right hon. Baronet and his friends on the opposite side of the House, to let the landlords split their farms, so as to create as many votes as they could. It was well known that the landlords had availed themselves to the utmost of that power, and they only objected to it because they found that the landlords in towns were endeavouring to remedy that evil by availing themselves of their property for the same purpose. If the wording of the Reform Act had given this franchise to the holders of property in towns, he saw no reason why it should now be taken from them to please the right hon. Baronet and his friends on the other side of the House.

Mr. *Brotherton* would like to say to the Committee, "It is now 12 o'clock;" but as those words might perhaps be considered objectionable, he would only say, that he should oppose this amendment, as to his knowledge it would disfranchise nearly a thousand good votes in the town and neighbourhood of Manchester.

Mr. *Thomas Attwood* thought that it would produce the same effect in Birmingham. He hoped that the right hon. Baronet would therefore withdraw his amendment, for as a Reformer the right hon. Baronet should be anxious to extend rather than to contract the constituency.

Sir *James Graham* had not said, that these votes were fraudulent. He had only said, and he must still maintain, that they were fictitious votes.

Mr. *Brotherton* moved that the Chairman do now report progress.

The Committee divided:—Ayes 63; Noes 49—Majority 14.

The House resumed.

The Earl of *Lincoln* moved, that the House do now adjourn. His reason was, that as his Majesty's Ministers thought that the time had arrived for reporting progress, it was clear that, in their opinion, the time must also have arrived for the adjournment of the House.

Lord *John Russell* said, as the noble Lord (Lincoln) seemed to demand from him an explanation of his vote, he would state, that his opinion, as he had already mentioned was, that the clause of the Reform Act was entirely in conformity with the view stated by his right hon. Friend, the Member for Cumberland (Sir James Graham). In the course of the discussion, however, his hon. and learned Friend, the Solicitor-General, stated to him that he thought that there ought to be a further consideration of the original clause before the amendment moved by the right hon. Baronet was agreed to. His hon. and learned Friend thought the original words of the Reform Act to be so extremely plain as to render it necessary that there should be some further consideration before it was determined whether any and what words might be required to be introduced to fill up any obscurity in the clause as it now stood. Having received that opinion from his hon. and learned Friend, he (Lord J. Russell) certainly took part with him, and consequently voted for the Motion, that the Chairman do report progress. He felt himself perfectly justified in taking that course, and he was quite indifferent to any interpretation which the noble Lord or the hon. Gentleman opposite might put upon his vote.

Sir *James Graham:* If the noble Lord had intimated, in the most distant manner, that he should have had no objection to the amendment, if upon further consideration it appeared necessary to carry out the original intention of the Act, he (Sir James Graham) should at once have requested permission of the House to withdraw the clause. If he now understood from the noble Lord that the clause would not be objected to, if upon further consideration it should seem requisite to achieve the object of the Act as it was originally passed, he should certainly request his noble Friend (Lord Lincoln) to withdraw the motion he had just made.

Lord *John Russell* stated, that believing, as he did, the intention of the clause, as originally framed, to have been such as his right hon. Friend (Sir James Graham) had stated, if upon further consideration it should appear that such a clause as that proposed by the right hon. Baronet was necessary to carry that intention into effect, he should certainly feel bound to support it.

The Earl of *Lincoln* withdrew his motion, which allowed the House to complete some routine business before it adjourned.

HOUSE OF COMMONS,

Wednesday, June 22, 1836.

MINUTES.] Bills. Read a second time:—Murderers' Execution.

Petitions presented. By the Sheriffs of the City of London, for the Repeal of the Civil Disabilities on the Jews.

DURHAM (SOUTH-WEST) RAILWAY BILL.] Mr. *Wason* was desirous of drawing the attention of the House to a resolution which had been agreed to last night on the motion of the hon. Member for Middlesex, to this effect:—That the Committee on the Bill do again re-assemble, for the purpose of reporting to the House specially the preamble of the Bill, and the evidence and reasons in detail on which the resolution, "that the preamble had not been proved," was adopted, the House considering as contrary to the practice of Parliament, the resolutions of the Committee last reported, "that the reasons upon which the Committee came to the resolution that the preamble had not been proved," can only apply to those Members who voted on that proposition. He thought that the Committee had great reason to complain that such a resolution should have passed the House, without proper notice having been given, which would have enabled the Committee to explain some circumstances which, left unexplained had a direct tendency to imply censure on them. He said the proceeding adopted towards this Committee was unprecedented. The only case at all bearing on it, for he had examined for precedents, was in the 66th volume of the Journals, in which notice was taken of the irregularity with which a Report had been furnished, and the course adopted was, to negative the Bill. He asserted that a Committee of that House had a right to pass any resolution it thought proper, so that it did not reflect on any Member of the Committee. He concluded by calling on the hon. Member to withdraw the resolution until the parties had sufficient notice, or else he should be under the necessity of moving that the motion be rescinded.

The *Speaker*: This involves a question which relates to the order of proceedings in this House. Here is a resolution brought up from a Committee, in terms which distinctly go to establish the principle, that only a portion of that Committee are to decide upon a point at issue. Such being the case, the Committee were directed by the House to re-assemble, (the attention of the House having been drawn to the circumstance,) in order that, when they should re-assemble, they might rescind a proceeding for which, as the hon. Gentleman has stated, there is no precedent whatever, because the Committee took upon itself to do that which it had no power to do. Such, I am sure, will be the opinion of the House. I merely wish to say, that what the House clearly has to do is, to take care that the Committee do re-assemble, in order that they may strictly adhere to the rules and regulations of the House, they being under the direction of the House. If the Committees of this House had the power to limit their own powers, which they have not, the case would stand in a different light. This right not being vested in them, on what ground can a portion of a Committee act independently of the other, so far as to exclude the other portion? Here is a list fixed by the House, to whom this Bill is referred, and I am confident this House will never sanction any such proceeding as that of a Committee coming to a resolution that a portion only of that Committee shall vote upon a question which has been referred back to them. Upon the face of the Report last made, there is an evident irregularity. If any regulations are to be imposed upon a Committee, other than those already established by the House, it can only be done by the House itself, not by any portion or division of the House.

Mr. *Wason* said, that the resolution did not bear out the construction put upon it by the House. The inferences drawn were not quite correct.

Mr. *Hume* begged the attention of the House while he read the order, from which would be seen the force of the judicious observations which had fallen from the Chair. The hon. Member stated the proceedings in the Committee, and argued from them that the motion which he had made was the most proper course to pursue, as it afforded the Committee an opportunity for giving the reasons which induced them to adopt the resolution in the form in which it was submitted to the House.

Sir *James Graham* thought that what had been complained of most was, that a resolution should have passed that House which hon. Members conceived implied censure on them, without sufficient notice having been given to those more immediately interested.

Mr. *Hume* did give notice, but the motion was omitted for one day to be put on the orders. However, as his hon. Friend had complained of not being sufficiently informed of his (Mr. Hume's) intention to move for the re-assembling of the Committee, he should not persevere in insisting on the motion, but would consent that it be postponed until to-morrow, if his hon. Friend thought he would gain anything by occupying the time of the House further with it.

The order for the re-assembling of the Committee was discharged.

MR. HARDY—PONTEFRACT ELECTION.] Mr. *Gully* rose for the purpose of calling the attention of the House to a circumstance which occurred in a previous debate, and said, that although an apology might be due to the House, he had none to make to the hon. and learned Member for Bradford. He hoped to be indulged for a few minutes while he adverted to a charge thrown out by the hon. and learned Member, then for Dublin, now for Kilkenny, against the hon. Member for Bradford, on the 16th February last. He begged to read the terms of the charge as he found them in the *Mirror of Parliament* [*Order*].

The *Speaker* interposed, and stated, that all such references were irregular, and a breach of the privileges of the House.

Mr. *Gully* would say, then, that he heard the hon. and learned Member for Kilkenny charge the hon. and learned Member for Bradford, with having paid from 3*l*. to 20*l*. for votes at Pontefract; adding, "and if I am not mistaken, I can prove it." On that occasion, the accusation was not repudiated, nor on a subsequent occasion, the 21st of February, although the hon. and learned Member for Bradford had an opportunity of denying it. In fact, he had not come forward with any denial, until after the hon. Member for Kilkenny had been unseated for Dublin. On the 17th of May, however, the hon. and learned Member for Bradford, had said this:—"In the part he had taken respecting the Carlow Election, he had acted from a sense of public duty, and he trusted he might be excused if he availed himself of the present opportunity to allude to imputations cast upon himself."

The *Speaker* inquired whether the hon. Member intended to conclude with any motion? At present he was only referring to a former debate. Did he mean to make any complaint?

Mr. *Gully* said, that he meant to make a complaint of a breach of privilege. The hon. and learned Member for Bradford proceeded, on the 17th May, to assert that "the charge against him of having been guilty of bribery was most calumnious and unfounded;" and on a subsequent day he took the opportunity of stating that he had been charged with bribery, but that it was false and unfounded. On other times on the same evening, he (Mr. Gully) had heard the hon. and learned Member repeat that the accusation was false and unfounded. He (Mr. Gully) had been much surprised to hear such a declaration, and he had risen from his seat to say, that if the hon. and learned Member had been calumniated, he considered himself one of the calumniators, because at a public meeting at Hull, he had said that he had a strong antagonist to contend with at the late election for Pontefract; that he knew that a great deal of money had been spent by that party for immoral purposes—indeed, that more money had been spent at the last election than had ever been spent at Pontefract since Mr. Hardy's election. He (Mr. Gully) had also informed the House upon that occasion that within a few days he had himself received a letter from one of his constituents, stating that he felt himself so much disgusted with the conduct of the hon. and learned Member for Bradford—[*Order*]—He begged pardon if he was in error, but he begged leave to say, that he had received a letter from one of his constituents, stating that he felt so indignant with the hon. and learned

Member for Bradford, for his conduct during the investigation of the charges against Mr. O'Connell, that he had a great mind to inclose to him (Mr. Gully) a letter written by the hon. and learned Member for Bradford, in which he stated the exact sum which his election had cost him, when he came forward as a candidate for Pontefract. In answer to this statement, the hon. and learned Member for Bradford said, that he would be obliged to him if he would produce to the House any letter of his upon the subject. He had written in consequence to the gentleman who had made to him the communication respecting the hon. and learned Member for Bradford which he had just mentioned to the House; but as it happened that he was himself obliged to leave town about that time, and as the gentleman to whom he wrote happened not to be at home when his letter reached its address, he had not got the letter, for which he had written, till the present time. The letter written by the hon. and learned Member for Bradford, which his correspondent had inclosed to him, he would now, with the permission of the House, read.

The *Speaker* reminded the hon. Member for Pontefract, that unless he had some specific allegation to make, he was now going into matter quite irrelevant to any matter before the House.

Mr. *Hardy*: The House will do me a great favour if it will listen to the hon. Member.

Mr. *Gully*: This letter is a letter written by the hon. Member for Bradford to a gentleman who seconded him at his election at Pontefract. The letter was dated the 5th of March, 1834, and was as follows:—

"Dear Sir,—I left to Mr. Mitton the liquidation of such accounts as he thought proper, and by his decision, which I don't disapprove of, I have abided. I am surprised that any of the respectable inhabitants of Pontefract should have countenanced that to which I was subjected, knowing, as they must have done, that it was against my express desire and directions. I so wrote to Mr. Mitton more than once, and understood that my letter was communicated to my friends. I always felt bound in honour, though much against my conscience, to pay the head-money to those who voted for me, and which was in many instances taken by those who ought to have been ashamed of such a thing. One way and another I paid more than 5,000*l.* as the result of that contest. A Mr. Armitage is pestering me to pay 8*l.* odd for some tickets which it seems he has been trafficking in. This is the man who got out of the way to prevent his being called upon to prove bribery, and I can only say that I wish he was a holder of ten times as many, and much good may they do him.

"With best wishes, yours truly,

"JOHN HARDY."

After the broad declaration of the hon. and learned Member for Bradford, who had challenged, not only him, but also the whole country, to substantiate against him any charge of bribery—who had stated that the allegations against him of the hon. and learned Member for Kilkenny were "false, unfounded, and calumnious"—after all these broad declarations, he would now leave the House to judge how far those allegations were deserving of the epithets which the hon. and learned Member for Bradford had applied to them. The hon. and learned Member also admitted that he had paid 5,000*l.* and more as the result of his election. Having so far succeeded in laying before the House the nature of the charges which had been preferred against the hon. and learned Member for Bradford, he would now leave the House to act upon them as it thought fit. After such broad declarations had been made—declarations which were made, he firmly believed, as the last shift for calumniating another person—[" *Hear*" and " *Order*," which prevented the hon. Member from finishing the sentence].

The *Speaker* asked the hon. Member what was the point he wished to arrive at—what was the motion he intended to make?

Mr. *Gully* would move, that the House do now take this letter into consideration. Well, he would move that the letter be laid upon the table, and that a Select Committee be appointed to take it into consideration.

Mr. *Hardy* was glad to have an opportunity of entering into an explanation and refutation of the charges which had been so unfoundedly and yet so unblushingly brought against him. What the money which he had spent in carrying an election at Pontefract had to do with the charges which a sense of public duty had compelled him to bring against Mr. O'Connell, he could not for the life of him understand. Even if he had been convicted of bribery, it could have had no effect either in diminishing or increasing the weight of evidence against that hon. and learned personage. The hon. Member for Pontefract had stated that the hon. and learned Member for Kilkenny had twice accused him of bribery to his teeth, and that twice he had refused to repudiate the charge. This was not the fact. On the 11th of February, when the hon. and learned Member for Kilkenny, in the course of his speech, said that he knew some one who had paid 20*l.* a-head for the votes which he had received, he had not the slightest notion that the hon. and learned Member was alluding to him. On the 16th of February, the day to which the debate on the charges against the hon. and learned Member was adjourned, the hon. and learned Member had thought fit to be a little more specific. The hon. and learned Member had then stated that he (Mr. Hardy) had paid from 3*l.* to 20*l.* a-head to those who had voted for him at Pontefract, and that the hon. and learned Member was in a situation, if need were, to prove it. He had stated over and over again, and he was sorry that he must again repeat the statement, that the only reason why he had not met that charge then with a complete refutation and explanation was, that immediately after the hon. and learned Member had made his reply he had retired from the House, as hon. Members would all recollect, and was therefore not present to hear his vindication. On the 4th of March, however, when the hon. Member for Greenock presented a petition from certain electors of Carlow complaining of the intimidation and oppression practised upon their tenantry by the landlords of that county, he had taken the liberty of calling the attention of the House to the charge which the hon. and learned Member for Kilkenny had brought against him. He was then called to order by the noble Secretary for the Home Department, who with great courtesy informed him that another and more fitting opportunity of defending himself against that charge would be afforded him, when the Report of the Committee came regularly under the consideration of the House. On the 23rd of March, the hon. Member for Greenock brought forward a petition from the tenants of the hon. and gallant Member for the county of Carlow, complaining of the manner in which he had coerced them; and on that occasion he had again endeavoured to explain the misrepresentations which had been sedulously spread abroad of his conduct as a candidate at Pontefract in the year 1826. He was then interrupted by the hon. Member for Bridport, who said that his explanation had nothing to do with the matter then before the House—that it did not belong to it, and that it had therefore better be postponed; " and then, Sir, you informed me," said Mr. Hardy, addressing the Speaker, " that the time for my explanation would be at the termination of the inquiry into the circumstances of the Carlow election." At last, upon the 18th of May, he had had an opportunity of explaining, and he had explained everything relating to the transactions which had been referred to by the hon. Member for Pontefract. He had stated the circumstances under which he had become a candidate for that borough, and under which he had prosecuted his petition against the return then made, and he had then stated that any charge of bribery having been practised by him was false, unfounded, and calumnious, and so he stated now. It was stated in the debate of the 21st of April last, that he understood pretty well what bribery was, and now the hon. Member for Pontefract came forward and asserted that twice he (Mr. Hardy) had been charged with bribery, and twice he had not dared to contradict it. Why, the reason was that he had not even had an opportunity of contradicting it afforded him; for twice had he been stopped and called to order by hon. Gentlemen on the other side of the House. He admitted, that as soon as he had said on the 18th of May that the charge was " false, unfounded, and calumnious," the hon. Member for Pontefract had risen in his place and said, that if it were so, he had been to a certain extent a party to the calumny; for he had stated at a public dinner given at Hull to the hon. and learned Member for Dublin, that more money had been spent at the last election for Pontefract, in consequence of the immoral practices of his opponents, than had ever been spent at any election for Pontefract since the time of Mr. Hardy's. He (Mr. Hardy) believed that on that point the hon. Member for Pontefract was mistaken—he believed also that great expense had been incurred at elections at Pontefract since that time—ay, and that, too, very lately. The hon. Member for Pontefract had also said, that he had received a letter from a constituent of his residing at Pontefract, in which the writer said that he had a great mind to send to the hon. and learned Member for Kilkenny a letter written by the hon. and learned Member for Bradford, to show that he had spent 5,000*l.* and upwards to carry an election at Pontefract, although he now complained of 2,000*l.* being spent at an election for the county of Carlow. Immediately on hearing that statement, he had challenged the hon. Member for Pontefract to produce the letter to which he referred; but the hon. Member was unable to produce it. The hon. Member then told him the name of the gentleman from whom he had received that letter; and immediately on learning it, he wrote to that gentleman the following letter;—

"I have no objection whatever to your sending Mr. Gully any letter of mine to you, conscious as I am that it will contain no confirmation of the charge of bribery on the occasion of my being a candidate for Pontefract. You, at that time, as my friend and supporter, generally accompanied me in my canvass. No one is better able to speak to my conduct in the course of it, &c. I call upon you, as an act of justice to me, to state whether, upon any occasion, you witnessed an attempt or wish on my part to hold out corrupt inducements of any kind to those whose votes I solicited.—I remain, &c.
"May 30. "JOHN HARDY."

The answer which he obtained to that letter was this:—

"Dear Sir,—In reply to your letter I should not do justice to my own feelings, or your conduct during the canvass, if I did not declare, in the most decided terms, that I never witnessed a wish or an attempt on your part to hold out corrupt inducements of any kind to those whose votes you solicited. Our town was ridden roughshod by a system which, I must say, you disdained to follow; for rather than have recourse to it on the day of polling, you declared to me on the hustings, that you would abandon your election at a period when all seemed favourable, and the sudden reverse would only be satisfactorily accounted for from the reason I have assigned."

Now, in order to explain part of that letter, he must inform the House, that before the election he had ascertained that there were about 800 electors, more or less. He had received from 700 of them promises of support. It somehow or other happened, that at the poll, not more than 429 voted for him. He certainly had been invited to let some hundred pounds be spent upon the day of election, among the electors. The gentleman, whose letter he had just read, had spoken to him on the subject. That gentleman knew that he had refused to do any such thing, and that he had said that he would rather lose his election than consent to it. Some hon. Gentleman would perhaps recollect, that in the year 1826, a dissolution was expected about the middle of the month of February. It did not, however, take place till the month of June. In the month of May, he found that public houses had been opened in Pontefract, by the friends of the other candidates, and that his friends had followed their example. Though the opening of these public houses was not a violation of any existing statute, he determined that the system should be put a stop to, and accordingly it was put a stop to. "But then," said the hon. Member, "the letter which I have just read proves that a large sum of money, a larger sum than the legal expenses required, was expended by you on your election at Pontefract." Now he begged that the House would attend to the phraseology of that letter. His words were "one way and another I paid more than 5,000*l.* as the result of that contest. Now, if the House would consider that the public-houses had been kept open in Pontefract from February till the middle of May, when he shut them; if it would also consider that he had prosecuted an expensive petition, in which, as his nominee, the right hon. Member for Cumberband would recollect, fifty witnesses were examined on his behalf—they would see that, even if he had had no other expenses to meet, they could not have fallen very short of that sum. But he had other expenses to meet. An action was brought against him by a little attorney at Pontefract. He had paid that attorney 60*l.*, but he had thought fit to claim 250*l.* The action was tried at York, and he had obtained a verdict. He had never called upon that attorney to pay the costs, which he was entitled to recover. Then there were the subscriptions to the local charities, which every gentleman whom he was then addressing knew, that it was a Member's business to support. After this statement, he called upon the hon. Member for Pontefract to say, whether he thought that his legal expenses could have fallen short of 5,000*l.* Why, what had the hon. Member for Pontefract himself just said? That his legal expenses at the last election, without a contest, had cost him more than his legal expenses when he had had to sustain a contest? How had that happened? It was not for him to surmise, but perhaps the hon. Member would himself explain it. Considering that there had been three candidates in the field from February to June; considering that they had been one, and all obliged to employ agents during all that time; considering that the public houses had been open for the greater part of that time; considering, also, that he had prosecuted an expensive petition, had defended an action in which he had not exacted the cost to which he was entitled, and had subscribed to the different local charities—considering all this, he thought that he was well off in finding that the result of the contest had not cost him more than 5,000*l.* The charge which the hon. and learned Member for Dublin had preferred against him was this —that on corrupt practices in the borough of Pontefract, he had spent 7,040*l*, and that he could prove it. Where the hon. and learned Member gained his information as to the odd 40*l.*, which seemed to clinch the truth of his story, he did not know. He supposed that he had gained it from the same quarter from which he had obtained his information about the other 7,000*l.*; he had, however, challenged him to the proof, and he now stated, that if either the hon. and learned Member for Kilkenny, or the hon. Member for Pontefract, would come forward as his accusers, he would not plead against them the statute of limitations. If either of those hon. Members, either by action or indictment, or in any other way, would proceed against him, he would be ready to meet them. These were the short facts of the case, and he left them to the judgment of the House.

Lord *John Russell* put to the House whether this debate ought to be allowed to proceed any further. The hon. Member for Pontefract, and the hon. and learned Member for Bradford, had both made those statements which they deemed necessary to the vindication of their characters. It was not necessary, in his opinion, for the House to come to any decision upon their conflicting statements. The hon. and learned Member for Bradford had said, that he was quite ready to meet any accusation that might be brought against him, but the question for the House to consider was, whether it would enter further into the consideration of the matter, with which it had no immediate concern. He hoped that the House would not.

Mr. *Hume* said, that the question could not be so easily got rid of as the noble Lord supposed, for a motion had been regularly made and seconded, that this letter be laid on the table of the House. The hon. and learned Member for Bradford had given what he considered to be an explanation of that letter; but he would read one sentence from it, which was quite inconsistent with that explanation, but before he did so he would call the particular attention of the House to the fact, that the hon. and learned Member for Bradford had not given any denial to the charge brought against him by the hon. and learned Member for Kilkenny until that Member had vacated his seat. The hon. and learned Member had come forward as the prosecutor of a charge against the hon. and learned Member, which he had described to be most heinous and disgraceful. To look at the speech of the hon. and learned Member for Bradford, bribery had never on any previous occasion been carried to such an extent as it had been carried at Carlow by the hon. and learned Member for Kilkenny. He should have expected that a person who had brought such charges forward against another would have been perfectly free from them himself. The hon. and learned Member had sat down saying, that he had a complete defence, and that he had not violated any Act of Parliament, and yet there occurred in his letter this sentence:—"I always felt bound in honour, though much against my conscience, to pay the head-money to those who have voted for me, and which was, in many instances, taken by those who ought to have been ashamed of such a thing." There was also another remarkable sentence, which showed the extent to which this head-money had been paid—"One way and another I paid more than 5,000*l.*, as the result of that contest." The hon. and learned Member had challenged them to prove that this 5,000*l.* was paid in head-money. Now, no person could answer that challenge but the hon. and learned Member himself; and he now called upon the hon. Member to lay upon the table of the House an account of the head-money which he admitted himself to have paid to his voters. He submitted to the hon. and learned Member for Bradford, with all deference to his opinions on matters of law, that head-money was bribery. If so, the hon. Member had been guilty of bribery, and if so, he had not been in a condition to make the denial which he had made. Moreover, if he had been guilty of bribery, he had done injustice to those whom he had accused, and stood at present in a position not the pleasantest in the world.

Mr. *Gully* observed, that the hon. and learned Gentleman had asked him whether or not he had paid any head-money. He would answer the hon. and learned Gentleman, that if he had paid head-money, and had afterwards declared that he never had been guilty of bribery in any shape whatsoever, he should consider himself unworthy of a seat in that House.

The letter to be laid on the table.

Mr. *Hume* moved, that it be printed.

Mr. *Robinson* said, that so long as any question involving the personal character of his hon. and learned Friend (Mr. Hardy), or that of the hon. Members opposite, was before the House, there might have been some ground for departing from the usual practice, in order to afford hon. Gentlemen an opportunity of setting themselves right with the House; but he would ask what object could be gained by having this letter printed? The only appearance or ground of charge against the hon. and learned Member was, that he had paid head-money. He should be very sorry to justify anything like bribery in any hon. Member; if, however, the hon. Member for Bradford had discouraged bribery in the borough of Pontefract, but had fell, on finding that some of his friends and partisans had made engagements in his name, that he could not conscientiously decline to fulfil them, and he had afterwards, in consequence, paid money though that might in the literal sense of the word be called bribery, yet he thought it could not *in foro conscientiæ* be so termed. He was of opinion that enough had been said upon the question on both sides, and as he did not consider it would become the dignity of that House to accede to the hon. Member for Middlesex's motion, he should divide the House upon it.

Mr. *Sheil* said, that the facts of this case depended entirely upon documentary evidence. The hon. and learned Member for Bradford had read a letter which he had written to a gentleman, a friend of his own, in which he had distinctly stated, that it was with extreme repugnance he had recourse to means therein adverted to. Now, the hon. and learned Gentleman, after having read his own letter, had not read the reply to it. Supposing he had read that answer—he, (Mr. Sheil) however, did not want to press that letter. But what defence had the hon. and learned Gentleman made? By his own admission 5,000*l.* had been spent by him in some way or other, and yet it appeared that but 429 voters had been polled in his favour. How was it possible that 429 voters could cause such an expense as 5,000*l.* The hon. and learned Gentleman in that sum had certainly included his own costs in an action which had been brought against him by an attorney, the amount of which he had not demanded from the plaintiff—but that would make but a slight reduction in 5,000*l.* There were two points arising out of this question for consideration—first, what was the meaning of the words "head-money?" And, secondly, what was the amount paid per head? Now would any Gentleman on the other side of the House assert that head-money was not bribery? Would the hon. and learned Gentleman himself say that it was not? If he would, why was it that he so reluctantly, and so much against his conscience, yielded to what he considered the necessity of the case? He hoped the hon. and learned Gentleman, at any rate, would introduce a clause in his Bill on the subject of bribery at elections, to prevent the payment of head-money, to which he entertained so conscientious an objection.

The House divided on Mr. Hume's motion:—Ayes 97; Noes 136:—Majority 39.

List of the Ayes.

Ainsworth, P.
Angerstein, J.
Attwood, T.
Bagshaw, J.
Baines, E.
Baldwin, Dr.
Ball, N.
Barry, G. S.
Bellew, R. M.
Bentinck, Lord W.
Bewes, T.
Blake, M. J.
Blamire, W.
Blunt, Sir C.
Bodkin, J. J.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, C.
Butler, hon. P.
Callaghan, D.
Chalmers, P.
Childers, J. W.
Clive, E. B.
Codrington, Admiral
Crawford, W. S.
Crawford, W.
Curteis, E. B.
Dundas, hon. T.
Dundas, J. D.
Edwards, J.
Elphinstone, H.
Ewart, W.
Fergus, J.
Ferguson, R.
Fitzsimon, C.
Fitzsimon, N.
Fort, J.
Gillon, W. D.
Grattan, H.
Hardy, J.
Harvey, D. W.
Hawes, B.
Hector, C. J.
Howard, P. H.
Kemp, T. R.
Lambton, H.
Leader, J. T.
Lennox, Lord G.
Lennox, Lord A.
Loch, J.
Lynch, A. H.
M'Namara, Major

Mangles, J.
Marjoribanks, S.
Maule, hon. F.
Musgrave, Sir R.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R. M.
O'Loghlen, M.
Oswald, J.
Palmer, General
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Philips, M.
Potter, R.
Power, J.
Price, Sir R.
Pryme, G.
Robarts, A. W.
Roche, D.
Rundle, J.
Ruthven, E.
Sandford, E. A.
Sheil, R. L.
Stanley, E. J.
Steuart, R.
Talbot, J. H.
Thompson, Colonel
Thornely, T.
Tooke, W.
Trelawney, Sir W.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Wason, R.
Wigney, I. N.
Wilbraham, G.
Williams, W. A.

TELLERS.

Gully, J.
Hume, J.

List of the NOES.

Agnew, Sir A.
Alsager, Captain
Arbuthnot, hon. H.
Ashley, Lord
Bailey, J.
Baillie, H. D.
Balfour, T.
Barclay, D.
Barclay, C.
Baring, W. B.
Baring, T.
Bateson, Sir R.
Beckett, rt. hon. sir J.
Bentinck, Lord G.
Bethell, R.
Bruce, Lord E.
Buller, Sir J. Y.
Cartwright, W. R.
Chandos, Marquess of
Chichester, A.
Clerk, Sir G.
Clive, hon. R. H.
Colborne, N. W. R.
Cole, hon. A.
Cole, Lord
Cooper, E. J.
Corbett, T. G.
Cripps, J.
Dalbiac, Sir C.
Dalmeny, Lord
Dottin, A. R.
Eastnor, Lord
Egerton, Sir P.
Elley, Sir J.
Elwes, J. P.
Estcourt, T.
Estconrt, T.
Fazakerley, J. N.
Fector, J. M.
Ferguson, G.
Fleetwood, P. H.
Forbes, W.
Forster, C. S.
Fremantle, Sir T.
Gladstone, T.
Gladstone, W. E.
Gordon, hon. W.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, rt. hn. Sir J.
Grey, Sir G.
Grimston, Lord
Hale, R. B.
Halford, H.
Halse, J.
Hamilton, Lord G.
Hanmer, Sir J.
Harcourt, G. G.
Hawkes, T.
Hay, Sir J.
Henniker, Lord
Herries, rt. hon. J. C.
Hobhouse, rt. hn. Sir J.
Hogg, J. W.
Houldsworth, T.
Howard, R.
Howick, Lord
Hoy, J. B.
Johnstone, J. J. H.
Jones, W.
Irton, S.
Kirk, P.
Knight, H. G.
Knightley, Sir C.
Labouchere, rt. hn. H.
Lincoln, Earl of
Long, W.
Lucas, E.
Lushington, hn. S. R.
Lygon, hon. Colonel
Maclean, D.
Mahon, Lord
Manners, Lord C. S.
Morgan, C. M. R.
Morpeth, Lord
Nicholl, Dr.
North, F.
Packe, C. W.
Palmer, R.
Palmer, G.
Parker, M.
Patten, J. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, Colonel
Plumptre, J. P.
Pollen, Sir J. W.
Pollington, Lord
Poulter, J. S.
Price, R.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Rice, rt. hon. T. S.
Ross, C.
Russell, Lord J.
Sandon, Lord
Scott, Sir E. D.
Shaw, rt. hon. F.
Sheppard T.
Sibthorp, Colonel
Smith, J. A.
Smith, A.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stewart, P. M.
Sturt, H. C.
Tennent, J. E.
Thomson, rt. hn. C. P.
Thompson, P. B.
Thompson, Alderman
Trench, Sir F.
Trevor, hon. A.
Vernon, G. H.
Vesey, hon. T.
Wall, C. B.
Weyland, Major
Wilbraham, hon. B.
Wilmot, Sir J. E.
Wortley, hon. J. S.
Wrightston, W. B.
Wynn, rt. hon. C. W.
Young, G. F.
Young, J.

TELLERS.

Robinson, G. R.
Baring, —

POOR-LAW COMMISSIONERS.] Mr. *Maclean* had seen in the daily journals a correspondence that had taken place between a clergyman of the Church of England and the Commissioners of the Poor-laws, respecting the allowing the inmates of workhouses to attend divine worship on Sundays in the parish church or elsewhere. In answer to the letter written by the clergyman in question, the Commissioners stated that these unfortunate persons were not to be allowed to attend such places of worship; but instead of this it appeared that they were to be confined within the walls of the workhouse, but that a chaplain was to attend to their spiritual wants. He wished to know from the noble Lord, whether the Poor-law Commissioners had the power to prevent the unfortunate inmates of workhouses from attending divine worship, either in the parish church or any other place that was more congenial to their feelings.

Lord *John Russell* replied, that he had not seen the correspondence alluded to by the hon. Member, but would make inquiry into the subject, and give an answer at a future day.

Subject dropped.

BUSINESS OF THE HOUSE.] The *Chancellor of the Exchequer* said, that he was aware that it was not usual to bring on Government business on a Wednesday, but on that day to allow Members to proceed with their Bills; but it was a matter of pressing emergency that the sugar duties should not be postponed at that late period of the year. It would be for the convenience of all parties interested in the subject, as well as for the public convenience, that the discussion on the sugar duties should take place at as early a period as possible, and he had given notice, that he intended to propose an important alteration. It was on these grounds that he earnestly entreated hon. Gentlemen who had orders on the paper previous to his own, to allow him to state the nature of the propositions which he intended to propose; he should endeavour to justify such a concession at their hands by taking up as short a time as possible.

Mr. *Francis French* observed, that the Chancellor of the Exchequer had given notice last year that he intended to introduce a Bill for the encouragement of public works in Ireland, but there appeared to be no probability of such a measure being introduced at present; he therefore wished to learn from the right hon. Gentleman what were his intentions on the subject.

The *Chancellor of the Exchequer* answered, that with respect to the Public Works Bill, it was his intention to introduce that measure, and to endeavour to carry it during the present Session. His hon. Friend must be aware that he had no opportunity of bringing forward the measure at an earlier period of the Session, with a chance of carrying it.

Sir *Robert Peel* thought that it would be much better to strike off all those Bills from the order book which were not likely to be got through during the present Session. If the noble Lord would mention those Bills which he intended to pass during the present Session, and let the others stand over, it would add materially to the convenience of hon. Gentlemen. At present hon. Members were brought down to the House not knowing what measures were to be discussed, to the hindrance of public business, and to the great inconvenience of Members. He wished to ask the right hon. Gentleman a question respecting the new Stamp Bill. The right hon. Gentleman would probably press for so much of the measure as related to the alteration of the stamp duties on newspapers, but did he expect that he should be able to pass during the present Sssion all the clauses of that extensive measure?

The *Chancellor of the Exchequer* agreed with the right hon. Baronet that it would be for the convenience of public business that those measures that were not likely to be carried during the present Session should be postponed; but he did not think that this would be the case with respect to the Bill for the consolidation of the stamp laws, although it was a very long Bill. The points on which differences of opinion were likely to arise could be gathered by meeting the parties interested, and he could assure the right hon. Gentleman that he had had many communications with them. He hoped, after the alterations he had proposed, that the points of difference of views would be few in number, and so unimportant in themselves, that they would not be likely to prevent the important object of consolidating the stamp laws from being effected during the present Session. If they could effect consolidation with satisfaction to the House and the country, they would obtain an object of public usefulness which should not be lightly abandoned; at the same time, as far as he was concerned, he would endeavour to strike off all those Bills which were not likely to be carried during the present Session.

Mr. *Cayley* thought it was most objectionable to bring on public business on Wednesdays, which was the only day on which private Members had an opportunity of bringing forward Bills.

Mr. *Wakley* also protested against thus dealing with the Bills introduced by Members not connected with the Government. The first order of the day was for the second reading of the Parish Vestries Bill—a measure which he had introduced, and which it was of importance should be carried without delay. He did not feel himself justified in assenting to the request of the right hon. Gentleman.

The *Chancellor of the Exchequer* had not explained the nature of the urgent necessity that prevailed with respect to voting the sugar duties. The annual sugar duties would expire on the 5th of July, and it would be a great public inconvenience if they were not at once agreed to.

Mr. *Hawes* thought that it was a great hardship that Members did not know whether they should be allowed to proeeed with their Bills or not on Wednesday. He had now for two years endeavoured to proceed with a measure of great public importance which he had introduced, and he could not help complaining of the treatment he had experienced. If the

Government, Wednesday after Wednesday, would proceed with their measures, they had better by half at once strike off the notice-book all Bills introduced by private Members. If such a proceeding were attempted again, he would certainly take the sense of the House on the question.

Mr. *Aglionby* had a Bill which by the proposed arrangement he should be prevented bringing forward till such a late hour of the evening that the House would not listen to it. He had been disappointed in a similar manner on former occasions.

Mr. *Wakley* said, that he could not consent to postpone the discussion on the Parish Vestries Bill.

Sir *Robert Peel* suggested to the Chancellor of the Exchequer the propriety of merely moving his resolutions and taking the discussion on another day. He could hardly expect to get through the discussion in a short time, and a partial discussion on a question of this nature would not be satisfactory. If, therefore, the Chancellor of the Exchequer was allowed to introduce his propositions, the debate on them could be taken on another day.

The *Chancellor of the Exchequer* could not altogether agree to the arrangement proposed by the right hon. Baronet. He thought that it would be very unfair, and would be attended with great inconvenience after the notice he had given, if he did not explain his views and intentions on the subject. If after his explanation, hon. Gentlemen would allow the discussion to take place on the second reading, he would take care to fix on a day when they should have ample opportunity of debating it. With respect to the suggestion of the right hon. Baronet, he would only observe, that if the resolutions were proposed in Committee to-day, the next step would be to report them to-morrow, when he would not have an opportunity of entering into an explanation, as it was a notice day, nor could a discussion take place on them. The nearest day, then, for a discussion would be on the motion for the second reading of the Bill founded on them. All that he required was, to explain shortly the object he had in view. This could not be done if he merely proposed the resolutions without explanation; and if he abstained from doing so, he should expose his measure to misconception, and he might put parties who were interested to great inconvenience. The hon. Member for Finsbury stood in a peculiarly favourable situation as regarded his Bill, and nothing could prevent its coming forward that evening. He would move that the House resolve itself into a Committee of Ways and Means.

Motion agreed to. House in Committee.

EQUALIZATION OF SUGAR DUTIES.] The *Chancellor of the Exchequer* said, it was his intention, in as few words as possible, to state to the Committee the circumstances attendant upon the very important question which it was his duty to submit to the House. In approaching this subject, in preference to the other orders on the paper, it was not from any want of feeling with regard to the great importance of the subjects to which they refer; but considering the nature of the question which he had to introduce, he was bound to say that he felt the highest sense of gratification at its having fallen to his lot to offer the present explanation. When he considered the great number of years that had elapsed during which the equalization of the sugar duties had been earnestly sought for, and urged upon the Legislature —when he considered the number of petitions which had been presented on the subject—when he considered the great interests involved in the discussion—he thought if hon. Gentlemen had adverted somewhat more carefully to the magnitude of the question, they would not for a single moment have interposed, but would have given their preference to this matter above all other Bills before the House. This important subject had not only occupied the attention of the House on many previous occasions, but there was scarcely a great mercantile community within the realm that had not made an appeal to Parliament in reference to it. There was not a single individual in the House, who had not recorded, by his speeches or by his vote, his assent to the principle of equalization; but still, from year to year, and on grounds which he was the last person to question, but which, on the contrary, he admitted to have been just, the consideration of the question with a view to bringing it to an effectual and final issue, had been postponed. Under these circumstances he did not feel himself called upon to argue at any very great length in favour of the general principle involved in the proposition which he was about to submit. He was rather called upon to show—what the circumstances were which had heretofore prevented the adoption of the motion which he apprehended would now be no longer opposed—that of not only assimilating those duties, but also of freeing parties from those restraints which on former occasions were imposed upon them in growing sugar in the East Indies. He would state to the Committee the position in which the case stood with reference to former discussions; because, in respect of this, or any other measure on the subject of discriminating duties, when presented to the House, not only the expediency of the measure should be proved—not only should it be proved fit for general adoption, but it should be shown that it is a wise application of a just principle; and that the adverse interests—for there must be adverse interests—have no just right to complain. On this point, however, he should not carry the Committee further back than the year 1834. At that period, when the question of the sugar duties was brought forward by the then Chancellor of the Exchequer, my noble Friend, Lord Spencer—in consequence of a suggestion by the hon. Member for Liverpool (Mr. Ewart), that from and after that period the duties on East and West India sugars should then be equalized—upon that occasion his noble Friend said:—

> "He was well aware of what was due to the West Indians, and was inclined to give them that due, and all that they required was time to see the working of the Act passed last Session with reference to the West-India colonists. He thought it would not be advisable to increase the pressure on the latter Colonies until the effects of that measure were seen. He repeated that the present proposition was merely for a temporary purpose, and he hoped the House would agree to it."*

Lord Spencer's opinion was, that it was only a question of time; and he stated he was ready to admit, as regarded the general principle of discriminating duties, that they could not be defended on any just grounds. Upon that occasion the right hon. Baronet (the Member for Tamworth), with great justice and strong feeling, laid down the general principle which ought to be applied to this branch of Finance. His right hon. Friend said:—

> "He hoped that the hon. Gentleman (Mr. Ewart) would persevere in his intention of submitting the present highly important subject to the grave consideration of the House, in order that they might clearly understand the situation of the parties interested in its adjustment. As far as he could comprehend its bearings, an act of greater injustice towards the natives of India could not be done, than to continue upon their produce the unequal rate of duty at present levied. Although an attempt to establish discriminating duties between two countries might not by the one aggrieved be considered as an open declaration of war, yet it would not fail to make that country regard the attempt as a marked indication of hostility. The house might, at all events, depend upon it, there was a growing intelligence in the natives of India, that could not fail to make them feel most keenly the degree of favour shown to the West-India colonists in comparison with that extended to them."*

And the right hon. Baronet added—

> "He was disposed to agree with the noble Lord in thinking it might be inexpedient at the present moment, to add to the difficulties of the West-India planter, by proposing any change; but he at the same time thought, that those whose capital was invested in East-India securities, had a right to know whether the present unequal rate of duty on the produce of that country was to be kept up."†

Such were the words of the right hon. Baronet, and they displayed the highest wisdom; because if it were true, as undoubtedly it was, that the establishment of discriminating duties was not a measure which could be justly resorted to between nation and nation in amity, he trusted that no Gentleman in this House—though possibly they might not feel themselves bound to the inhabitants of Hindostan by the same ties which connect them with their immediate constituents—would be disposed to reject the feeling that it was our bounden duty to give to the King's subjects in Hindostan the same full measure of justice which any foreign country, in amity with this empire, was entitled to demand from us. He had read the speech of the right hon. Baronet on the occasion in question, because he thought that in a few powerful sentences it embodied the whole principle upon which Parliament ought to act, and it would be for him to show that he was prepared to apply that general principle in a manner consistent with justice and with prudence. His object in referring to these past transactions, in reference to the question, was to show that nothing like surprise could be charged against him;—and additionally, to make this apparent, he should briefly allude to a speech made at the same time by the noble Member for North Lancashire, who then represented in the House the Colonial-Office, and who, in addition to his being officially bound carefully to watch over the important interests of our colonies, was peculiarly connected with this subject, by the glorious measure which he had the year before been the instrument of conducting through Parliament. His noble Friend, on that occasion, referred more especially to the point, that full notice would be due to the parties before any such measure as this should be passed. His noble Friend's words were these—

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* Hansard's Parliamentary Debates, (Third Series,) vol. 21, page 947.

* Hansard's Parliamentary Debates, (Third Series) vol. xxi. p. 947, 948.

† Ibid. (Third Series) vol. xxi. p. 951.

> "The feeling which every Gentleman had expressed upon the subject of freedom of trade, and more significant than all; the strong hint conveyed by the decided opinion expressed by the right hon. Baronet, the Member for Tamworth against any protection being afforded—would give sufficient notice to those parties in the West Indies, that they must not expect a continuance of those duties in their favour." *

His noble Friend considered this sufficient notice, and he was of the same opinion. In the course of the last Session of Parliament he had stated his opinion of the general principle. He stated then, that he thought it better to defer the alteration of the duties rather than to violate an understanding, although not accompanied by any specific declaration. That was the way in which he put the question last year. Two years ago it was distinctly stated, that Parliament was disposed to consider the whole of the circumstances attendant upon the equalization of these duties; and last year specific grounds,—only applicable to that year, prevented the House doing so. These grounds no longer existed. Under these circumstances it was, that he felt himself bound to proceed with the question of the equalization of these duties. He should like to know whether there was any peculiarity in the circumstances of the times which ought to arrest us in the progress of this measure? In the first place he would ask, with reference to the West-India Colonies, whether any difficulty had been thrown in the way of the payment of the compensation under the Slavery Abolition Act? On the contrary, so far from this being the case, he was sure that the parties interested would readily admit, that at any hazard, at any inconvenience, at any trouble, Government had taken measures to provide funds to meet this purpose before they could possibly be called upon to pay the demands of the West-India proprietors; and that not a moment's delay, which could be avoided, had interfered between the time at which the payments became due, and their being met. He would ask, had that measure failed? Had the public expectation, in reference to it, been disappointed? On the contrary, he was enabled to state, that even on the part of those who entertained the least confidence in that measure, the result of it had been allowed to be more successful than was anticipated for it by its most ardent advocates. He should now proceed to advert to the mode in which it was proposed to carry this measure into effect, assuming, as he justly might, that the time was come at which this question must be finally settled. There were two modes, only, in which the subject could be discussed;—the one turning upon the question whether the equalization of the duties should take place at once; and the other, whether it should take place by gradual steps? It was urged on the part of the West-India planters, that the change should not be made suddenly, and all at once, for that they ought not to be subjected to competition with sugar grown in more advantageous soils; and that the equalization should take place by gradual steps, Parliament following, in this respect, the course which had been adopted with safety and utility in other cases. In short, it was suggested that the East-India sugar duties should be reduced so much per cent. per annum, until gradually they arrive at an equality with the West-India duties. He was ready to admit that there might be some plausibility in this argument, and that there were many cases in which a principle, however useful, should be applied gradually; but he was prepared to say, in reference to the present subject, that after the fullest consideration of all the case, and after communicating with all the parties connected with it, the determination of his mind was, that it would be for the interest of all, that the alteration should be immediately carried into full operation. He was convinced that if he approached the subject in any other spirit, he should not only be conferring no protection on the West-India planters, which would be of any importance to them, but should at the same time be throwing discouragement in the way of those who are disposed to advance capital and enterprise in East-India commerce, a step which would be productive of great

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* Hansard's Parliamentary Debates, (Third Series) vol. xxi. p. 951.

and permanent injury. In order to make out his case, he should lay down the general principle, that if there were any result of a useful nature attainable by natural means, it were a mere absurdity to interfere by an Act of Parliament, for the purpose of producing a like result. That being an admitted principle, he was in a condition to prove, applying it to the present subject, that though these duties would be immediately and absolutely altered, yet the competition which the West-India planters had reason to apprehend from opening the market would be but gradual. If this were the case,—and he knew that it was,—the result which that interest seemed to think they could only gain by a gradual equalization of these duties, would be attained by natural means, without the interposition of any law; and he therefore thought that natural means were the only ones to which we were entitled, in this instance, to look. Gentlemen most conversant with the subject of sugar produce in the Eastern colonies, were all of opinion, that without a very extended additional growth of sugar there, the quantity of sugar which they could immediately bring into the market would not be materially increased for some time. The raw material of sugar in India was in itself a very perishable commodity, and could not, therefore, be kept for any length of time. Moreover, it was produced by the natives of the country, who, being extremely poor, could not afford to keep any great stock, even if it were not so perishable a commodity; nor, further, could there be any great stocks kept up in India, where the rate of interest of money was so very high. This circumstance, in itself, was sufficient to deter persons from entering very largely into the business there, merely upon the speculation of an Act of Parliament, which might, at a future time, be passed upon the subject of their commodity. Even in cases where an alteration in the price of sugar calls for but a slight increase in the produce of sugar, it takes a long time to get together any such increase in the raw material. To increase to any extent the growth of sugar in India, it would be necessary to increase the number of plantations; and these could not be established in a day. An extended growth of sugar could not be effected except by the application of British capital and skill; and applied, too, for the purpose of improving machinery for the manufacture of sugar. All this must be a work of time; the new competition could but slowly come into operation. On these grounds then, he thought it unnecessary to propose a graduated reduction of duty. Would it not be a hardship on the East-India interest, if Parliament were to say, that discriminating duties should exist for the remainder of the term of negro apprenticeship,—or that the duty should only be reduced by steps during that period,—because the effect of that course would be, that during that whole period the great object of embarking capital in India would be defeated? No person would like to advance his capital under such circumstances; when circumstances were fluctuating from day to day, the equalization of duties should be immediate; and in that case, capital would be embarked accordingly. Though he did not admit, that the West-India interest, was entitled to the protection which they asked, yet there were matters in respect of which they were entitled to protection. He said that there could not be a greater fraud in legislation, than would take place, if the House were to enact a new law, under which law foreign grown East-India sugar should be introduced under the colour of being the produce of the British East-India colonies. What act of justice would it be to the people of Hindostan, if sugar could be introduced from Siam, or other places, into India? This country owed an act of justice to its subjects of Hindostan; but it owed no such act to the inhabitants of Siam. We had to take especial care that the limits of our legislation should be the limits of the actual justice of the case. The first and most obvious protection as regarded the West-India interest, and which it was well entitled to ask was, that no East-India sugar should be imported, into this country without a certificate of origin, and a certificate of origin was more likely to be genuine in India than anywhere else; because, inasmuch as the revenue system of India extended over the whole face of the country, and was connected with the territorial payments, it would not be difficult to get from the officers of the district a certificate connecting the sugar not only with the place at which it was produced, but even almost with the name of the person who produced it. It would not be difficult to accompany that sugar with a certificate as to the port at which it was to be embarked, and it would also not be difficult to get from the competent officer of the port a document to show that the sugar imported here was the identical sugar grown in the British possessions in India. His first principle was, that a certificate so guarded and so particularised, should accompany all sugar imported into this country. But this was not enough—justice required that they should go further; because all the provinces in India did not grow sugar, and those which did not should be allowed to receive sugar, the growth of foreign countries, or else that circumstance would influence the market. But then, as foreign sugar might be imported into those places in the East, where sugar was manufactured, and exported from thence as domestic produce, it was necessary to guard against that fraud. He said, therefore, that the West-India Colonies had a just right to be guarded in this way; and he was the more justified in this proposition, in consequence of the law which had been imposed on them. If the Mauritius, for instance, were allowed to import coffee into this country, it was not allowed to import foreign coffee. The West Indians, then, asked for a protection just in its principle, being one to which they had themselves been subjected already. But a most extravagant request had been made, namely—that all India should be prohibited from receiving foreign sugar. Now, that proposal needed only to be mentioned to carry its own defeat with it. It was said by Peter Plimley, in one of his letters—"Brother Abraham, whatever you may have heard to the contrary, Ireland is bigger than the Isle of Wight." So he might say, that India was larger than any sugar island. Bombay, for instance, did not grow sugar. In admitting that, on this score, the West-India interest had a right to protection—which those most eager for the opening of the sugar trade in India are quite ready to acquiesce in—he felt bound to state that these were the most broad and general terms upon which it could be accorded. He should therefore propose that, into those districts of India whence sugar is imported into this country, the importation of foreign sugar should be prohibited; but that there should be permitted a free importation of foreign sugar into other parts. This would have the effect of not disturbing the exportation trade in that part of India whence the supply of sugar was likely to come, and would reserve the whole principle which the West-India interest had a just right to demand. There was another branch of the subject upon which he wished to say three words—he alluded to the subject of bounties—[An hon. *Member*: Drawbacks, I suppose.] Well, he would use the term "drawbacks;" but as to drawbacks or duties, or by whatever name they should most properly be called in Parliament, he wished to say, that he did not consider the present state of the law upon the subject to be satisfactory. He believed the whole of this part of the subject required revision; but he did not mean, on the present occasion, or in the Bill he proposed to introduce, to make any change in the drawbacks. He thought it, however, proper to state, that the subject was under the consideration of his Majesty's Government; and if he continued to fill the office which he now had the honour to hold, in the next Session of Parliament he should consider it to be his duty to call the attention of the House to it. He was the more anxious to avail himself of the interval, because he wished to see the effect of the equalization of duties upon the sugar of India. He would further observe, the House must be aware, that of the high discriminating duties, the consequence or tendency was, that only the best description of East-Indian sugar was imported. But put an end to those discriminating duties, and there would be various qualities of East-Indian sugar introduced; and an opportunity given of then ascertaining what the effects of these drawbacks would be. He would say a few words more, and then close his observations. Hon. Gentlemen who had done him the honour of attending to him, would perceive, that if the certificate of origin were required—and required it ought to be—the effect of the Resolutions, or rather of the Act of Parliament to be hereafter founded upon them, would be, that it would only act upon cargoes introduced from India under the provisions of the Act. This was a matter of strict justice; because, if they applied the rule at once to East-India sugars now in warehouse—inasmuch as the high discriminating duty only had reference to the highest quality of sugar—it would be most unfair were they to allow those sugars to be entered for consumption at the lower rate of duty. He had now stated to the House the principles upon which, in justice to all parties, he felt himself called upon to act—he had stated his decided opinion to be in favour of immediate equalization—he had stated why he thought the discriminating duties should no longer exist—he had stated the nature of the protection which he considered due to the West-India interest, and the mode in which he considered that the measure might, without difficulty, be carried into effect. He trusted that when the House came to a vote on this subject it would be remembered how long and how anxiously this measure had been desired and prayed for on the part of the rising population of Hindostan; that every account which had been received from that country showed that its intelligence, its knowledge of what concerns its own interests, and the true relations which exist between it and the mother-country, strengthen daily; that a knowledge of our institutions and of our language was constantly extending in Hindostan; and that, finally, such a measure as this would be gratefully received by the people of India as a pledge, that the Parliament of Great Britain knew their interests and were anxious to promote them; and that though there were no actual Representatives of India in this House, yet that there were in it men who entertained an anxious wish to promote the happiness and prosperity of their fellow-subjects. Such a measure as this, too, would give great satisfaction to the great commercial communities of our own country, who had over and over again applied to Parliament through their Representatives in this House to do justice to India, and by so doing to promote the best interests of the commercial world. He thanked the House for the indulgence with which he had been listened to, and he begged to move, "That towards raising the Supply granted to his Majesty, the following duties shall be paid on the importation of Sugar on and from the 5th day of July, 1836, for a time to be limited, and under such regulations and conditions as shall be provided by any Act to be passed in this Session of Parliament, namely:—

Sugar, viz.—	£.	*s.*	*d.*
Brown, or Muscavado or clayed sugar, not being refined, the cwt.	3	3	0
———, the growth of any British possession in America, and imported from thence, the cwt. - -	1	4	0
———, the growth of any British possession within the limits of the East-India Company's Charter, into which the importation of foreign sugar may be prohibited by law, and imported from thence, the cwt. - - - - - -	1	4	0
———, the growth of any other British possession within those limits, and imported from thence, the cwt. - - -	1	12	0
Molasses, the cwt. - - -	1	3	9
———, the produce of and imported from any British possession, the cwt. - - -	0	9	0
Refined, the cwt. - - -	8	8	0
Candy, Brown, the cwt. - - -	5	12	0
———, White, the cwt. - - -	8	8	0

Mr. *Goulburn* said, he thought that the general wish of the House was, that any discussion upon the details should be deferred till a future stage. There had been an understanding on the part of the hon. Gentlemen on that side of the House, who had been present, that it would be more for the general convenience of the House that no debate should arise that evening; but in abstaining from a discussion, in this instance, he felt himself placed in a difficulty principally arising from the speech of his right hon. Friend, who had dealt so largely, and had expatiated so much upon the importance of showing to the people of Hindostan that as they were not represented in that House, there were, nevertheless, in it those persons who took an interest in their welfare, and were prepared to protect their commercial interests; and that right hon. Gentlemen had so carefully avoided all such allusions with reference to the West-Indians, that it became the more incumbent on those who felt an interest in our West-Indian possessions, to show that there were also persons in Parliament who felt a deep interest in that population—a population which was equally unrepresented, in that House with that of Hindostan. The people of the West-Indies were more particularly deserving of care and attention, because they were emerging from a comparative state of barbarity to a state of complete civilization. Yet notwithstanding the inducement to enter upon a discussion, he would forbear entering into the subject at any length. He thought, however, that they had some little reason to complain of his right hon. Friend for having proposed his plan at so late a period, seeing that when they should come to the consideration of the next stage of the proceeding, they would not have the opportunity of giving the question that sober deliberation which ought to be applied to it. This was the great difficulty in the case, for it was not merely a question of reduction of duty, or one of general principle only, as it was one which imposed the consideration of those various details upon which must mainly depend the successful working out of the plan of his right hon. Friend, for they were essential to the fulfilment of this object. And yet they were to be called upon in the course of ten days, or less, when they should go into Committee, to enter into all the minute details as to certificates of origin, which were required to carry out the object in view, and which the right hon. Gentleman himself admitted to be essential to the proper and due execution of his plan. He confessed it did appear to him that it would have been much better that they should have had more time to enable them to judge of those details; and if, therefore, he made this matter of complaint on the present occasion, he was sure his right hon. Friend would not suppose that he did so from a wish to raise any factious opposition, or to interfere with the conduct of the public business of Parliament; but this, he repeated, he did think, that those details required much grave deliberation. Nothing was so difficult as to establish a satisfactory system of certificates of origin; and yet on the proper arrangement of that and the other details, the success of the whole working out of the question must hinge. One point more he would refer to, and he would not go further. He begged to reserve to himself the full right to discuss every part of these resolutions, and of looking with every possible jealousy at an arrangement by which sugars, not the produce of Hindostan, might be brought into this country; and he did so because, agreeing as he did on the general principle with which his right hon. Friend had opened his speech, he had his fears that this would not be a matter of free competition as between the East and the West India interests. But be had apprehensions of danger on a point to which his right hon. Friend had argued generally, but to which he had not sufficiently adverted—he meant as to what might be the moral effect of an arrangement of this kindbeing come to by the Parliament at the present moment, when the great measure of West-India Slave Emancipation was in progress of execution. He would say, that the moral effect of all this might be, to alarm those who entertained exaggerated fears of the consequences of the measure on the one hand, which fears were exaggerated by those on the other side, who took an exaggerated view of the benefit to be derived from that experiment. But, though he was of opinion that both parties deviated from a just view of their own interests, yet he could not undervalue the moral effect which this view would produce in the West-Indies, where it was most necessary that the minds of those who were most interested should not be distracted or annoyed by views of pecuniary interests; for they would militate against the success of that great experiment. Believing, however, that it was not the intention to go into the discussion, he thought he should best comply with what appeared to be the wish of the House, by forbearing to say anything further.

Mr. *Hume* was anxious to avail himself of the first moment to thank the Chancellor of the Exchequer for the proposition which he had brought forward. He had a few nights since presented a petition, which was agreed to at one of the largest public meetings ever held in Calcutta, and one of the prayers contained in that petition was, that sugars, the produce of India, should be introduced on the same footing as those the produce of the West Indies. He considered that this was an act of justice which had been too long delayed; but he received the intimation of the right hon. Gentleman, the Chancellor of the Exchequer, with pleasure, and as a pledge of the policy which his Majesty's Government intended to pursue. He accepted this measure, as an act of justice to India, and he hailed it as the commencement of other equalizations of duties, as suggested in the petition to which he had referred; and which further equalizations he should on the 29th bring under the notice of the House. His right hon. Friend the Chancellor of the Exchequer, in speaking of India, and of allowing her produce to be admitted into this country, no doubt, was anxious to do justice to the inhabitants of Hindostan; but he (Mr. Hume) looked also to the advantages which would accrue to the consumer; but he did not think, that the very stringent regulations which had been proposed were called for. The right hon. Gentleman the Member for Cambridge University (Mr. Goulburn), had expressed his regret that the right hon. Gentleman the Chancellor of the Exchequer had brought forward this motion at so late a period; but he (Mr. Hume) thought that the Government had acted wisely in not giving an earlier intimation of what their intentions were. There was one point, however, to which he considered it only fair he should allude. Now, while there existed ample grounds of complaint in the East Indies, still, there the people were allowed to receive food from every part of the world; whereas, in the West Indies, they were shackled by innumerable restrictions and penalties in this important branch of commerce; and he thought the Chancellor of the Exchequer would not be doing equal justice if, while giving to the East Indians the means of competing with the West Indies, he should refuse to the West Indies, the privilege of obtaining their food from any and every market, and thus continue to support a most unjust monopoly. The hon. Member concluded by adverting to a petition which had been presented to his Majesty from Canada, in which they sought for the facilities of free trade.

Mr. *Ewart* joined his hon. Friend, the Member for Middlesex, in thanking the Chancellor of the Exchequer for this wise and just measure. He thought the West-India interest had no right to complain, for the protection given to them by the Bill was, in his opinion, sufficiently strong. That protection was threefold:—First, the right hon. Gentleman would not allow foreign sugars to be imported into those portions of India from which Indian sugar was exported—a strong measure certainly, somewhat uncommercial in its character, and one which nothing but the necessity of the case could justify; secondly, by requiring a certificate of origin; and lastly, that the sugar now here should not come under the new regulations as to duty, because it was purchased under the expectation that it would have to pay the regular duty. With these three restrictions he thought the West-Indian interest might well be content. He hailed the general measure as one of justice and wisdom, and promoting an enlightened spirit of free commerce. By promoting the cultivation of sugar in the East, and by inducing capitalists to invest their capital in such an undertaking, they would also be the means of promoting the cultivation of the important articles of cotton and tobacco, for which the adjacent soils to that in which the sugar cane was grown were exceedingly favourable; and thus, as had already happened with respect to indigo they would give another great impulse to the prosperity and welfare of the British empire in the East. He hoped that Government would also take off the duty on pepper, and place rum made in the East Indies on the same footing as that made in the West. Indeed this seemed as a natural corollary of reducing the duty on sugar and encouraging the cultivation of the sugar cane. The article of cotton was likely to become a very important article of cultivation in the East Indies. Some specimens of East-Indian cotton had made its appearance at Liverpool last year, of very superior quality, and if properly encouraged it was not impossible that our colonies in the East might be enabled to compete even with the United States in supplying England with this important article of her commerce, and fertile source of her commercial prosperity.

Mr. *O'Connell* had only one observation to make. He did not think that the hon. Member for Liverpool, in the excellent remarks which he had made, had stated the case so strongly as he might have done, in reply to the speech of the right hon. Gentleman, the Member for Cambridge University, who apprehended some dangerous moral effects from the adoption of this measure. The West-Indian interest had been long prepared for this; and they had 20,000,000*l.* given to them as a compensation for the abolition of slavery; and during the discussions on that question it was frequently stated, that the people of England would never consent to pay this large sum unless the duties on East-India sugars were equalised as an equivalent. The Chancellor of the Exchequer had put a clear *bonus* into the pockets of the West-India proprietors; for he believed that estates in those colonies were now more valuable than they had been. For his own part, he was one of those who congratulated the House and the country on the introduction of the present measure. Indeed, this was an exceedingly right step.

Mr. *Patrick Maxwell Stewart* did not rise to complain of the proposition of his right hon. Friend, the Chancellor of the Exchequer, especially as he understood that the important details would be discussed on a future occasion; but he did complain of the manner and tone in which it had been introduced, because it came with a startling effect on not only the West-India, but also the East-India interests, who certainly did not expect it would be brought forward in so sweeping a manner as was proposed. The right hon. Gentleman had noticed the warnings which had been given by the right hon. Baronet, the Member for Tamworth, and he admitted, that they had been received as warnings that these alterations would be made; but there were particular circumstances which were specially to be considered. The West Indians were, in consequence of the Act of Emancipation, restricted in supply of labour, and saddled with the cost of all their labourers, though they performed only limited labour. What the West Indians understood—and he appealed to his right hon. Friend if such was not the case—was, that they were to be prepared for a graduated process of reduction. He admitted, indeed, the reasoning of his right hon. Friend, that, practically speaking, such an arrangement might not lead to any good. He admitted the new light which had been thrown out, that it was right to come to a conclusion on the subject, if he conceived that a graduated system would deter the application of capital and skill from being embarked in West-India property. With regard to the remarks of the hon. and learned Member for Kilkenny (Mr. O'Connell), he had reiterated the observations which he had before made on the subject of the twenty millions grant to the slave proprietors. Now he believed it was a generous and a fair settlement of the question, and he must express, as he always would do, his gratitude for that grant. But then his interpretation of the matter was, that it was a bargain on both sides; and when he was told that the public lost the twenty millions, and that they had given a *bonus* to the West-India proprietors, he must deny it. Again, the value of estates in the West Indies was not what it had been, and estates might be purchased at a very reduced rate; and property was torn to pieces by the fervour of the one side and the folly of persons on the other. He wished to ask the right hon. Chancellor of the Exchequer two questions, in order that there might be no mistake, as, unless the matter were clearly explained it was more than probable that some such apprehension would arise. First, it was said that with regard to the stuff of East-India sugar now here, this principle was not to apply; and the principle ought not in fairness to apply to any produce or sugar of India now coming home even under certificates of origin. This should be distinctly understood in order to allay misapprehension, if it should arise; and it should be also distinctly understood and provided for, that India was not to be an exporting and importing country at the same moment. Now, there was another point. The West Indies were subject to certain restrictions, which amounted to a positive prohibition of commercial intercourse with the United States. Now he begged to ask the right hon. Gentleman if he was prepared to restore that communication direct and uninterrupted as before? He was aware it might be objected to on many grounds, and that, though amounting to a heavy burden on the West Indies, it was part of the late colonial system. But if the free trade system were to be introduced—if the protecting duties on West-India sugar were to be reduced—then it was but fair that the trade and commercial intercourse of the Western colonies should be as free and unrestricted as those of the East. This was a part of the bargain on which the West-Indies must insist. This was more important now, for the Americans, having formerly taken a great deal of our West-India produce, were forced, by the commercial restrictions imposed on them, on their own resources of cultivation; but, after various experiments, they had found that their climate was not suitable, and if the restrictions were removed they would, in all probability, become the principal customers of the West Indies. Such, indeed, was the state of colonial productions amongst the Americans, that they had become great buyers of these productions in the markets of the Spanish colonies of the Continent, and even of this country. He was quite sure the House would see, that in the principle of free trade it was impossible that they could allow any remaining restriction on the commerce of the West Indies with America, however sanctioned by length of time, or any other feeling or opinion whatever. If this were not granted what what would be the result? America would resort to Cuba, and foreign colonies who were ready to receive her produce in exchange without restriction. If the advantages now possessed by the West Indies in respect to the supplying of the mother country were taken from them, they had a right to claim, on the other hand, those advantages which they could obtain for themselves from American intercourse; and this they asked, not as a boon but as a fair and equitable adjustment, and as the only fair and equitable adjustment to which the House could come. Waiting, therefore, for the answer of the Chancellor of the Exchequer to these two points, he had nothing more to say than that this arrangement, if carried fairly and justly into effect, would be, in his opinion, productive of the greatest advantages to the East Indies, and would be an act of justice to our colonists generally, between whom no distinction ought to be made, when the competition between them was conducted upon a fair and just footing.

Lord *William Bentinck* said, he believed that there would be no difficulty in the system of certificates of origin.

Mr. *Poulett Thomson* was glad to hear the first part of his hon. Friend the Member for Lancaster's speech, because it was couched in the spirit consonant with his general kindly feeling. As his opinions on the subject were well known, hon. Gentlemen must be aware how deeply anxious he had been for a long time to effect the removal of the differences in question. But at the same time he had always considered that there had been much exaggeration upon both sides. He believed that the alarm of the West-Indians was entirely groundless with regard to the possession which they might have of any monopoly in this country; and also that the expectations entertained on behalf of the East-Indians had been greatly exaggerated. The change of system introduced into that country, which would enable British capital to be employed, and British industry, energy, and intelligence to be exerted, and from which they might confidently anticipate that great advantage would result, was but of late origin. His hon. Friend, the Member for Lancaster, had completely understood his right hon. Friend in supposing that, with regard to all sugars, the produce of the East Indies, now in this country, the alteration would not apply; certificates of origin would be required, and no sugars now on their way from the East Indies could be admitted at the reduced duty—nor indeed any which might be on their way for a considerable time, that is to say, till the provisions of the Act should be known in that country. He was surprised at the extreme length to which his hon. Friend went upon this subject; he seemed to adopt what he had not always been ready to adopt—the principles of free trade, and to carry them to rather a wild extent. When his hon. Friend said, "because you are prepared to equalise the duties on West and East India sugars, therefore, you are to sweep away all remnants of the old colonial system," he certainly did seem to have very wonderfully changed for a very small cause. Did his hon. Friend think, that because they were effecting an equalization of the duties, they were doing away with all protection to the colonies? The resolution showed the contrary; for it said that foreign sugars should not be admitted under a duty of 3*l.* 3*s.* per cwt., while West and East Indian sugars would be admitted at 1*l.* 4*s.* per cwt. Was that no protection to the colonial interests? Then again did his hon. Friend propose to sweep away the navigation laws, as applying to our East and West Indian possessions? His hon. Friend might, indeed, say that he was not prepared to do that; but still, that he claimed for the West Indians that they should be put on the same footing as the East Indians, with regard to what they imported for their own consumption. Now he had given much attention to the subject; he had heard many complaints made upon it, but he had always found that the parties from whom they emanated had not stated the facts of the case correctly. If they had established their case, he should always have been ready to do everything in his power which they required; but he had found that in almost every case of that kind which they had adduced, their facts had failed them. His hon. Friend said, that they would be satisfied with nothing less than the positive removal of the duties to which the West Indians were subject; but surely it was necessary to look to the interests of the colonies as well as those of the mother country. The only articles on which he had been able to find that the West Indians paid any higher duties were lumber, staves, flour, and articles of that description, coming from our North American possessions; and on that point he could answer his hon. Friend, having brought in the Bill of 1831, on which the whole of the settlement existing in reference to it were based,—which Bill had been left pretty nearly in the state in which it had been introduced. That arrangement had been made at the request of the West Indians themselves, on the principle that it was not advisable for them to be left entirely dependent on the United States, but that a trade in those articles so essential to them should be encouraged with our North American possessions. This, however, was not a well-founded principle, as experience had shown. In former years they had been dependent on the United States; and the United States, thinking that they must necessarily continue so, had imagined that we should be obliged by their prohibiting the export of the articles in question to these colonies, to concede to them certain propositions, which were contrary to the law and spirit of the policy of this country. A commercial warfare was carried on for four or five years, and the West Indians had been found to benefit considerably; at last the existing arrangement had been made, with the concurrence of the West Indians, for their interests especially, and for their interests he believed that it now continued. His hon. Friend, however, now complained of it, and if it were thought by the West Indians that it was not for their interest that the arrangement should continue, let a proposition to that effect be made—let the question be fairly considered, and he for one should be happy to give it his best attention. But there was no necessity on that account to delay the present measure. It should be borne in mind, too, that, in one respect, the West Indians had a decided advantage over the East Indians—they could import all British articles free of duty, while the East Indians paid a duty of 2½ per cent. upon them. They might say indeed that, although the East Indians paid 2½ per cent. on all imports of British articles, the average of the duties paid upon all imports into the West Indies was higher. If his hon. Friend would bring forward any particular tax in illustration of that assertion, he should be happy to give it his full consideration. He would turn now to what had fallen from his hon. Friend, the Member for Middlesex. His hon. Friend had said, that this was the beginning of a system—that they were putting East Indian produce on the same footing with West Indian produce, and that it would be unjust if they did not remove the differences existing in other duties. He called on his hon. Friend to show him any articles in which there was a difference existing—with the exception of two—tobacco and spirits. As to the first, he had always contended that that was not an article to which they ought to look with any consideration as to the duty to be levied on it—that it was one which could not find its way from the East Indies here, if it were not favoured. He had himself removed the inequalities of duties existing on sixteen articles, including cotton wool, to which his hon. Friend had adverted; so that those articles were now admitted at the same duty from all British possessions. His hon. Friend had alluded to the high duty existing on pepper. He would admit, that the duty was a very bad one, and he should be happy if the state of the revenue would allow of an alteration; he had had it under consideration, and he had been deterred from attempting it only by the sacrifice of money which it would occasion. He hoped, however, that before the lapse of any long period, he should be able to try an experiment upon that duty. He was glad to find, that the proposition of his right hon. Friend had been so well received by the House; the only exception to the general favour with which it had met, had been afforded by the right hon. Gentleman opposite (Mr. Goulburn), but if there were any serious objections to the measure, he, for one, should be ready to discuss them with fairness and candour.

Mr. *William Crawford* rose to remove the alarm which his right hon. Friend opposite seemed to entertain with respect to the introduction of foreign-grown sugars, under the change about to take place in the law. He would make one observation, which would, he thought, be conclusive on the point. There was in India but one port of export from which India-grown sugars could come—the port of Calcutta; and the history of that port did not afford an instance of the introduction of foreign sugars, for such a step would indeed have been "carrying coals to Newcastle." The certificate of origin could without difficulty be so managed as to preclude the possibility of imposition in that respect. He agreed with the right hon. Gentleman the President of the Board of Trade, in the views and explanations which he had given in respect to the time at which the East-Indian sugars would be admitted at the reduced duty. It would be satisfactory, perhaps, to the right hon. Gentleman opposite, to know that a period of nearly two years would elapse before any British-grown sugar from India could come in under the certificates of origin which the Act would require.

Mr. *Goulburn* said, that it was hardly fair on the part of the right hon. Gentleman to taunt him with not opposing the resolution, after he had specifically risen on the understanding which had been thought to prevail — that it was not in accordance with the inclinations of the House that a discussion should take place, so many Gentlemen having expressed a desire that the other business of the evening should be brought on. He did not mean to say that he should oppose the Bill, — he should examine it with the tranquillity and care which the question deserved. But if he were to be taunted with not entering into the discussion because he endeavoured to forward the views of the House, very little encouragement was held out to hon. Members so to act in future.

Mr. *P. Thomson* explained, that he had merely observed that the right hon. Gentleman had not detailed the reasons of his objection.

Mr. *G. F. Young* said, he would not have risen but for the observation of the hon. Member for Lancashire. He had been surprised to hear him refer to the present measure as a relaxation and breaking up of the colonial system, and call on the Government, in consistency, to sweep away the navigation laws and all the other arrangements for colonial protection, and by which, in fact, the West-India Islands were at present held. When that question was brought more regularly before them at a future period, he would be prepared to show that the protection which those ancient laws extended to the navigation and the colonies of the British empire was but a fair equivalent for many restrictions imposed on those interests, for the general benefit of the State, and that the whole system had been arranged with regard to the reciprocal rights and interests of various parties. The subject would be very imperfectly discussed unless a general vote were taken on the merits of the whole system of our commercial relations.

Dr. *Bowring* hailed the proposition with great satisfaction, as evincing a regard for the interests of the community.

Mr. *Pease* avowed that he took a considerable interest in the welfare of 100,000,000 of his fellow subjects, and could not help feeling that a difference of twenty per cent. on prime articles of their produce was too serious to be overlooked. His hope was, that the legislature of this country would give all its colonies fair play. He believed that they would best consult those distant interests, under all the circumstances in which they were placed, by giving them every fair chance of competition. He thought that the Government could not have offered the commercial interests of this country a more advantageous boon than the present liberal and equitable measure promised.

Mr. *Phillip Howard* must thank the Government for the Bill before the House. He was happy to find that it was not made a party question. He thought the West-India proprietors would have but little to dread for some years to come from this change.

Mr. *Thorneley* said, that the produce of the West Indies in sugar last year was much less than that of former years, yet they had received a million more than they did the year before, but that million was a tax on the people of this country. He wished that the Chancellor of the Exchequer had gone somewhat further in his labours for their relief. He anticipated that the time would soon come when it would be necessary to relieve them of the tax on sugar altogether. He could assure the House that the merchants of Brazil were very much dissatisfied with our prohibition of their sugar and coffee, and had declared that if we continued our exclusive policy of keeping out all the produce of their soil except cotton, when the time of the present treaty expired we might expect to see a very high duty placed on every article of British manufacture admitted there.

The *Chancellor of the Exchequer* replied, and stated that his intention in bringing forward the present measure was simply to place the produce of the West Indies on an equality with the East. He had studiously taken care to protect the West-Indian planter, and while doing justice to the East Indian to avoid doing injustice to the West. The suggestion of the hon. Member for Wolverhampton went to the increase of the supply of sugar in the home market, and would certainly benefit the consumer, but he thought it would be unjust to the West Indians to throw all the sugar in bond into competition with theirs on such unequal terms. The hon. Member should recollect that the article he wished to throw into the market was foreign sugar—slave sugar. The hon. Member for North Lancashire, who had heretofore taken a considerable interest in the affairs of the West Indies, had evinced great liberality in his views for the advancement of those colonies, and he hoped that the present measure was framed in a spirit that would merit his approval and support.

PARISH VESTRIES BILL.] Mr. *Wakley*, after presenting several petitions, praying for reform in the system of parish voting, proceeded to move the second reading of the Parish Vestries Bill. It would be recollected that a Bill had been introduced by Sir John Hobhouse, repealing so much of Sturges Bourne's Act as imposed it upon the parishes within the bills of mortality; and it had been considered by many, that a similar bill ought to have been introduced, which should apply to the whole country, inasmuch as the system of voting which that Act had enacted had been productive of the greatest discontent, and the greatest mischief throughout the kingdom. Until 1819 such a system of voting was unknown in this country, in our parochial proceedings; and after examining the discussions which had taken place at the time that Act was passed, he (Mr. Wakley) could find no reasons stated which appeared to him to make out a case justifying its provisions in this respect. It appeared to him to have been a perfect piece of wantonness; and that its only object was, to throw the administration of the parochial funds into the hands of persons of property, to keep up what was called "the just influence of property." When a rate was levied in a parish it was levied so as to apply to the whole community; and he (Mr. W.) should like to know why the power of influencing the distribution of the parochial funds should not be also shared equally by all? But in every instance almost in which this system of voting had been introduced, its effect had been totally to paralyze the voice of the minority. Until 1818 the vestries of this country were generally open; the labouring classes had their just influence in the management of their parochial funds, and consequently they were contented. It would be for those gentlemen who did not agree with him (Mr. Wakley) to prove that since this system of voting had been adopted, equal satisfaction and content had existed in the country parishes? In his belief, if the law before the present system was introduced was bad, it had, since that period been infinitely worse. By Sturges Bourne's Act the occupier of a *50l.* tenement had one vote; if it were worth *25l.* more he had an additional vote; and for every *25l.* another vote, till the total reached *150l.*, or six votes, to which his privilege became limited. The power of voting was thus conferred upon the rate-paying occupiers; but in 1823 the House transferred that power to the owners, and permitted them to vote by proxy for property occupied by other individuals; it took from the occupier the power of giving his six votes for property rated at *150l.* a-year, and transferred it to the non-resident owner! So that in the present state of the law an owner of *150l.* a-year might have nine votes, while an occupier to the amount of *200l.* could only give one vote. Such an anomaly in legislation was most odious, and it was still more so considering that a reformed Parliament had the power to amend such a state of things. A case had occurred in his own neighbourhood lately which would illustrate the injustice. Suppose, that twenty persons living in a parish had *150l.* a year each, amounting to *3,000l.* a year; and suppose that 100 other persons had *30l.* a year each, amounting to the same sum; those twenty persons could at present give 120 votes, while the 100 persons rated at the same gross sum could only give 100 votes. Thus one-fifth of a parish could neutralise four-fifths, their equals in point of property. The House could not sanction such a state of legislation without sanctioning all sorts of injustice. In the late election at St. Martin's parish twenty-four candidates were to be found on each side. The lowest Liberal candidate had 748 votes, and the highest Conservative candidate had only 662; yet sixteen Liberal candidates were made to give place to sixteen Conservatives. This was not all. Several persons dismissed from the vestries for improper conduct had brought in proxies; one had gathered thirty-one of these votes; another fourteen; another sixteen; another seventeen. Altogether, eight dismissed persons had collected 129 proxy votes. Now he would ask, if such a system of voting was a just one. If it were, why was it not introduced into the Reform Bill,—why not introduced into the Municipal Corporation Bill. If the representative principle was to be introduced at all into the parochial system of the country, it ought to be carried into operation, by arrangement which would work harmoniously, and produce satisfaction and content. But the present system was one that actually disfranchised large amounts of property. It was a law of disfranchisement, with regard to property,—to rate-paying,—to democratic right. It was one of the worst laws of the old corrupt borough-mongering Parliament; and surely it would not be maintained by a House of Commons calling itself "Reformed." The people now looked for the fruits of the

Reform Bill, and if they found that the reformed Parliament did but support the bad measures of the unreformed, and corrupt body, he (Mr. Wakley) would say it would be better for them to be again under the old system, and that the power of legislation should once more be vested in the hands of the select few. The hon. Member concluded by moving, that the Bill be read a second time.

Lord *John Russell:* Sir, I stated to the hon. Member, that though I should not object to his bringing in this Bill, it was not my intention to consent that it should go through any further stage at present. The ground on which I am not disposed to agree to it at present is, that I conceive its operation would be injurious to the extension of the Poor Law Amendment Bill, which I consider a most valuable Act, and which has been carried most successfully into operation in many places. This Parish Vestries Bill would, I am aware, very much interfere with, or do away altogether with, that Act in many parishes, therefore I certainly feel very much opposed to it. I shall not upon this occasion enter into the question which the hon. Member for Finsbury has raised, whether or not the system of voting by proxy is a just or desirable one: that may come hereafter more properly under discussion: all I say now is, that as I should be very sorry indeed to obstruct the working of the Poor-law Act; and as that would be the effect of this Bill, I hope it will not receive the sanction of the House.

Mr. *Hume* was as anxious as the noble Lord for the free and unfettered working of the Poor-law Act, but he did think the proposition of his hon. Friend, the Member for Finsbury, worthy of the consideration of the House. He (Mr. Hume) did not believe the present system of voting in parish vestries could be approved of by the noble Lord. And all his hon. Friend proposed to do was to go back to the old established law of the land, that every rate-payer had his vote; in place of the innovation introduced by Sturges Bourne's Act. But if the noble Lord really considered that the hon. Member's Bill would tend to obstruct the operation of the Poor-law Bill, he (Mr. Hume) should advise his hon. Friend to strike out of his Bill all that part of it which referred to Poor-law Unions, in order that no fear might exist of such consequences resulting from it as the noble Lord anticipated. With that end, he hoped the noble Lord would consent to the Bill going into Committee, and it might there be so altered as to be confined in its operation to parish vestries.

Mr. *Pease* felt himself bound to object to the second reading of the Bill, on the ground that its operation would be extremely mischievous in several parishes. He should most decidedly object to any measure tending to interfere with the present mode of voting in parochial vestries. He therefore moved that the Bill be read a second time this day six months.

Mr. *O'Connell:* The objection urged against the Bill by the noble Lord is intelligible enough; the opposition of the hon. Member for Durham is perfectly unintelligible. The principle of the Bill is the principle of the common law, that every rate-payer should have his vote. Does he object to that principle? If he does he objects to a recognised principle of the common law, and of common sense. The rate levied in a parish presses more heavily upon the poor man than upon the rich man: the poor man's shilling is in comparison as much as the rich man's pound. I repeat it, there must be something behind the opposition of the hon. Member—it is perfectly unintelligible. He may perhaps wish to out-vote his poorer neighbours by reason of the length of his purse; that is quite comprehensible. After all, what alteration can this Bill make in the working of the Poor-law Bill? We have had complaints that the mode of election under that Bill gives undue weight to particular properties against the aggregate, and all that is sought by this Bill is to alter the system of parish voting so as to make it conformable to the principles of the common law, and in favour of those who compose the majority of the rate-payers, and on whom, comparatively speaking, the burden of the rates falls. I do hope this Bill will be allowed to go into Committee, the House will then be able to examine its details, and if it be found that it will interfere with or prevent the working of the Poor-law Amendment Act, (though I do not believe it can,) we can exclude those parts of it which apply to that Act.

Mr. *Pryme* agreed with the hon. Member for Durham that the Bill of the hon. Member for Finsbury was one of a most objectionable nature, more particularly as regarded country parishes, as its effect would be to place the funds of many parishes at the disposal of thirteen or fourteen labourers, to the exclusion of the wealthy farmers. Many parishes were not divided into more than ten farms; and the effect of this Bill would be to give the occupiers of those farms the management of the whole property in the parish. He (Mr. Pryme) believed, that if such an alteration as this were to take place, the value of agricultural property through the kingdom would be greatly deteriorated. Reference had been made to the ancient law upon this subject. But he (Mr. Pryme) was surprised to hear such an argument used on his side of the House. If there were anything in the argument drawn from antiquity, why not carry it out to its full extent, and why was it not applied to the reform of Parliament, and to municipal reform? Besides which it should be remembered, property was much more divided now than it was anciently. The present state of the law did not do more than give to property its just preponderance, for would it be reasonable that small occupiers should have more weight and influence in the administration of the parochial funds than those large owners of property whose interest in the parish was twenty or fifty times as great.

Mr. *Ward* asked, if, before the present system of voting was established, the effects were produced which the hon. Member for Cambridge anticipated from its repeal? And he would also ask if that system of voting had not everywhere been the constant source of ill-feeling and discontent. If so, would not the House support the hon. Member for Finsbury in an attempt to remedy evils which all must acknowledge, and which all must be anxious to remove. At the same time he (Mr. Ward) thought that if the Bill interfered with the working of the Poor-law Bill, it would have a bad effect. The present system of parish vestry voting had given to the great landowners, in his opinion, an influence which without it they would never have possessed, and which they ought not to have: it had produced many abuses, it had led to many evils, and he should therefore vote for the second reading of this Bill, in order that in Committee it might be there altered so as to make it as perfect as possible; but he did so with the express condition that in Committee he should be at liberty to oppose it, so far as it would affect the operation of what he considered a valuable Act.

Mr. *Hardy* hoped the Bill would be allowed to go into Committee, because he was willing to go so far with the hon. Member for Finsbury as to correct an anomaly which at present existed in parish vestry voting, viz.—that the practical effect of the present system was to give twenty persons more power than 100 persons, because they happened to possess more property. Now, he thought that every rate-payer had a right to a voice in the administration of affairs which concerned his own interests. And in his opinion the best way of correcting this anomaly was to go into Committee on the Bill of the hon. Member, with that object. He (Mr. Hardy,) thought that the property ought to have its due influence, it ought not to have more than its due influence; and it did in his judgment possess an undue influence, when it gave to a small number of persons in a parish a greater influence than the majority of parishioners in the management of the parochial affairs.

Mr. Plumptre would vote against the Bill.

Dr. *Bowring* considered that the Bill of the hon. Member for Finsbury was nothing more nor less than a Bill carrying out the principle of the Reform Act, which was, that the rights of individuals were entitled to more respect than the rights of property. And on that ground alone he should vote for its second reading.

Mr. *Philip Howard* was favourable to the principle of the Bill, but considered that the proper course would be to bring the measure forward next Session by moving for a Committee to consider what alterations ought to be adopted in the present system of voting in vestries.

Mr. *Hawes* would support the motion of the hon. Member for Finsbury. As to the objection that it would tend to lessen the influence of property, he considered that the passing of the Poor-law Amendment Bill had completely cured any difficulty of that description.

Mr. *Goulburn* could not think it desirable that those who paid the smallest amount of rates should have the greatest amount of influence in the management of the parochial funds. He knew not much about the metropolitan districts, but in the country the present system had been most beneficial, inasmuch as it gave greatest influence to those who from their station, &c., were more likely to possess knowledge and general abilities requisite for enabling them to exercise that influence to the advantage of the whole parish. But the Bill proposed by the hon. Member for

Finsbury would give to men possessing 30*l.* a year the same influence as those who possessed 300*l.* or 3,000*l.* per annum. He (Mr. Goulburn) did not think that such a state of things was desirable, and he should therefore oppose the Bill.

Mr. *Benett* said, that as a country Gentleman, he could, from long experience, assert that no practical evil resulted from the present system of parish vestry voting. The effect of the Bill proposed by the hon. Member for Finsbury would be to place in many instances the whole control of the funds of a parish at the disposal of ten or twelve labourers, whose influence could be purchased for ten or twelve quarts of beer, and who would be, therefore, easily excited by artful and designing men (of whom there were always enough in every parish), to enter into any hostile combination against the great landholders of the parish. He (Mr. Benett) need not point out the great practical evil which would result from such a state of things. Let the hon. Member for Finsbury legislate for his own borough if he pleased, but let him not interfere with country parishes.

Major *Beauclerk* was surprised at the assertion of the hon. Member who had just spoken, that those engaged in agricultural pursuits, and who resided in country parishes, could be bought for quarts of beer. He considered that such an assertion was an insult to the humbler classes inhabiting the rural districts. He should vote for the second reading and going into Committee on this Bill, because he believed the present system of voting in parish vestries to have been productive of the worst effects throughout the country.

Mr. *Potter* said, his knowledge of the operation of the present system of voting was confined to large towns, it was true; but he must say, in his opinion, it had operated most injuriously. In Manchester it had produced more disputes and ill-will among the inhabitants than almost any other subject. He should support the second reading of this Bill, in hopes of remedying the evils of the existing system.

Mr. *Wakley* said, he had passed a great part of his life in rural districts, and he had always found that the landed interest endeavoured to oppress those who were poorer than themselves.

The Speaker intimated that the hon. Member must confine himself to reply.

Mr. *O'Connell*: An amendment has been put; the hon. Member may speak on that.

Mr. *Wakley* continued. He would observe, that in London (city) the Act which went by the name of Sturges Bourne's did not apply, nor in Southwark, nor in Mary-le-bone, where a system of open voting had been introduced four years ago. If the noble Lord, the Home Secretary, was afraid that his Bill would interfere with the working of the Poor-law Amendment Act, he would make no objection to adopt the suggestion of his hon. Friend, the Member for Middlesex; but if the noble Lord would not consent to the measure with the alteration proposed he should certainly press his motion to a division.

The House divided on the original motion. Ayes 42; Noes 60:—Majority 18.

List of the AYES.

Aglionby, H. A.
Baines, E.
Barnard, E. G.
Beauclerk, Major
Bewes, T.
Bodkin, J. J.
Bowring, Dr.
Brodie, W. B.
Butler, hon. P.
Chalmers, P.
Collier, J.
Crawford, W. S.
Elphinstone, H.
Ewart, W.
Fort, J.
Gillon, W. D.
Gully, J.
Hall, B.
Hardy, J.
Harvey, D. W.
Hawes, B.
Hector, C. J.
Lister, E. C.
Marsland, H.
Musgrave, Sir R.
O'Connell, D.
O'Connell, J.
Pechell, Captain
Potter, R.
Roche, W.
Rundle, J.
Smith, B.
Stuart, H. C.
Thompson, Colonel
Tulk, C. A.
Turner, W.
Walker, C. A.
Walter, J.
Warburton, H.
Ward, H. G.
Wilde, Sergeant
Wood, Alderman

TELLERS.

Wakley, T.
Hume, J.

List of the NOES.

Agnew, Sir A.
Alsager, Captain
Arbuthnot, hon. Hugh
Balfour, T.
Baring, F. T.
Benett, J.
Calcraft, J. H.
Cayley, E. S.
Chichester, A.
Chisholm, A. W.
Cole, Lord
Cooper, Edward J.
Cripps, J.
Curteis, E. B.
Duncombe, hon. W.
Egerton, Sir P.
Elley, Sir J.
Estcourt, T.
Finch, G.
Forster, C. S.
French, F.
Gore, O.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Hay, Sir J.
Hay, Sir A. L.
Hayes, Sir E. S.
Heneage, E.
Hogg, J. W.
Hope, J.
Howard, P. H.
Inglis, Sir R. H.
Johnstone, J. J. H.
Johnston, A.
Lee, J. L.
Lees, J. F.
Lennox, Lord G.
Martin, J.
Morpeth, Lord
O'Loghlen, M.
Palmerston, Viscount
Pelham, hon. C. A.
Plumptre, J. P.
Poulter, J. S.

Pryme, G.
Rae, rt. hon. Sir W.
Rickford, W.
Ross, C.
Russell, Lord J.
Russell, Lord C.
Sharpe, General
Sheppard, T.
Spry, Sir S. T.
Stewart, P. M.
Townly, R. G.
Trevor, hon. A.
Twiss, H.
Weyland, Major
Wigney, I. N.
Yorke, E. T.

TELLERS.

Pease, J.
Steuart, R.

MUNICIPAL CORPORATIONS (SCOTLAND).] Mr. *Gillon* presented petitions from the inhabitants of Calton, Glasgow, with 4,000 signatures, praying the franchise might be extended to rate-payers; from the working classes of Leith to the same effect; from the inhabitants of Inverary, praying for household suffrage, and that the votes might be taken by ballot, also that they might be removed to schedule A, &c.; from the magistrates and town council of Lanark, praying to be exempted from the maintenance of prisoners after conviction; from the incorporation of bakers in Linlithgow, praying to be relieved from thirlage to the burgh mills, as their exclusive privileges were about to be abolished; from the inhabitants of Falkirk, objecting to the Bill altogether, and praying that, if passed into a law, they might be exempted from its operation.

Mr. Robert Stewart moved that the Bill be committed.

Sir *William Rae* said, that this was the first time that a 5*l.* qualification had been introduced into Scottish municipal elections. It was a new principle, and contrary to the Report of the Burgh Commissioners, who thought a 10*l.* qualification sufficient.

Mr. *Gillon* said, that any one who was acquainted with the condition of Scotland would readily acknowledge the great benefits which that country had received from the passing of the Burgh Reform Act, in 1833, and that country owed a deep debt of gratitude to the Ministers, by whom it had been carried through. The advantages from that measure were scarcely inferior to those arising from the Reform Bill itself, and it had been, besides, the precedent for extending similar measures to England and Ireland, of which the one country had already reaped the benefits, and he was convinced they could not be long withheld from the other. That measure, excellent as it was in principle, had been passed without a minute knowledge of various details connected with the burghs of Scotland in order to put an end at once to the vicious system of self-election which there prevailed. In order to acquire information on these points a Commission had been issued, and on the Report of that Commission the present Bill was principally founded. He believed the Bill in general woud give satisfaction to the country, though there were many objections to its details. He thought great good would be obtained by extending the jurisdiction of the magistrates over the Parliamentary limits, and thus putting an end to opposing jurisdictions. The abolition of the old privileged incorporations was also a striking advantage. On the subject of the franchise, he was glad to see the 10*l.* principle broken in upon. It was manifestly quite unsuited to the smaller burghs; he wished the framers of the Bill had gone a little further and adopted the household suffrage, which had been accorded last year to the burghs of England. It would be his duty in Committee to propose a clause to that effect. He would be anxious to see the alterations on the clauses imposing on the extended boundaries the burdens of the old royalties; at present these clauses were undoubtedly very alarming. He begged to suggest the propriety of relieving burghs from the expense of alimenting prisoners after conviction for crimes committed beyond their jurisdiction. He would not go more into detail at present, but merely say, that if his hon. Friend was met in a conciliatory spirit on both sides, a Bill might be framed which would be productive of the best results to the burghs of Scotland.

Dr. *Bowring* hoped, that time would be given to enable the people of Scotland to consider the provisions proposed in the Bill. He was in favour of the 5*l.* franchise, and wished that the people of Scotland should participate in municipal government as extensively as the people of this country.

Mr. *Cutlar Fergusson* objected to the operation of the 5th Clause in certain cases —among others that of Dumfries and an adjoining suburb, which, being united by the Bill to Dumfries, was subjected to the heavy taxation consequent on the improvements the inhabitants of Dumfries were anxious to promote in their town.

General *Sharpe* supported the view which the hon. Member for Kirkcudbright took of the operation of the 5th Clause.

Mr. *Wallace* was in favour of the 5*l.* franchise, and if he could, would extend the franchise to householders.

Captain *Gordon* agreed with the hon. Member for Kirkcudbright as to the effect of the 5th Clause.

Mr. *Fox Maule* approved of the manner in which his hon. Friend took up the Report of the Commissioners, and of the measure he had founded upon it. He was not, however, disposed to agree to some of his amendments. He did not coincide with him as to the propriety of extending the power or sphere of taxation to the Parliamentary boundaries. If, for instance in Perth, that power were to be extended, it would lead to great inconvenience. If taxes were to be imposed to the extent of these boundaries, the Town Councils in return should convey water, and confer other advantages, which would be productive of great expense.

The Bill went through the Committee. House resumed.

BRIBERY AT ELECTIONS.] The House went into Committee on the Bribery at Elections Bill, several clauses of which were agreed to. Upon the 8th Clause being proposed that declares it bribery to give any money for the purpose of inducing electors to vote,

Mr. *Hume* proposed to introduce, after the words "any money," the words "or head-money." His object was merely to prevent any money being given as a bribe, and that object he thought would be effected by the introduction of the word "head-money."

Mr. *Henry Grattan* would have no objection that the suggestion should be adopted, if it would forward the object proposed by the hon. Member for Middlesex, of preventing any money from being given in any shape as a bribe. He (Mr. Grattan) had heard a doctrine that night which, if professed by the majority of English Members, would make him very anxious to leave that House altogether. It had been said that if A gave 10*l.* for a vote, it would not be regarded as bribery; if his opponent B happened to give 5*l.* Was this doctrine professed or supported by the majority of English Members in that House? An hon. Member, who had found fault with the present House of Commons, had observed that it put him in mind of "the low Irish House of Commons." Now, in reply to that observation he would just observe that this "low Irish House of Commons" had passed a law most strongly condemnatory of bribery; and it would be well if their conduct in this respect were followed by the present Parliament.

Mr. *Hardy* thought it was unnecessary to specify any particular gift, such as "head-money," for the words "any money" were sufficiently comprehensive.

Mr. *Hume* had not so much experience in matters of the kind as the hon. Member for Bradford; but if he could feel assured that all species of bribery would be included in the words "any money," he should not press the amendment.

Mr. *Morgan O'Connell* thought the words proposed by his hon. Friend, the Member for Middlesex, should be adopted, in order to guard against cases where a candidate might be *hardy* enough to give "head-money."

Mr. *Praed* observed that "head-money" had been considered by the Judges to be exempt from the operation of the Bribery Act, upon the principle that it was not given to corrupt the voters. There was, however, an old law maxim which said, *Expressio minus exclusio ulterius;* and by the introduction of the word head-money it might seem that other classes of payments were to be exempt from punishment. This surely was not the intention of the hon. Member for Middlesex.

Mr. *Morgan J. O'Connell* said, that head-money was corruption, and that as such it ought to be especially and separately mentioned.

Mr. *Bernal:* The hon. Member for Yarmouth could not surely mean by what he had just said, to assert that the payment of head-money had been held exempt by law from the imputation of corruption. There certainly were some old decisions seeming to favour that view of the case, but they were founded upon the plea that such monies had been paid to compensate voters for loss of time. No such excuse could be held out now, for the Reform Bill had shut out all possibility of having outlying voters. In his opinion the word "head" was unnecessary, for he thought it certain that if any Committee of that House, sitting on an election petition, were convinced that a sum of 2*l.* or 3*l.* a head had been paid all round to voters, they would at once decide that such was a gross act of bribery. The prohibition of the payment of any money at all would of course include the payment of head-money, and the amendment, therefore, was unnecessary.

Mr. *Wason:* If the hon. Member for Bradford meant to say that the payment of 5*l.* a head to every voter three months after an election had taken place, even in the absence of all promise on the part of the person who paid it, was not an act of gross bribery, he must confess himself much mistaken in his impression of the law.

Mr. *Hardy* was replying to this remark, when the Attorney-General suddenly walked up the floor from the Court of Common Pleas, where the verdict had just been dedelivered in the action brought by Mr. Norton against Lord Melbourne. The hon. Member's observations were completely drowned in the loud and continued cheers which greeted the hon. and learned Member's appearance.

Mr. *Praed* then said, that he was not intimately acquainted with the subject; not having had occasion to make researches for his own defence, or in the crimination of others. He trusted, however, that the Committee would allow him to say a few words with reference to a matter which was personal to himself. A petition, it might be remembered by most hon. Members, had been presented last Session, not against him, but making statements with respect to the borough of Yarmouth, and praying for the vote by ballot. Though he knew those statements to be wrong at the time, he refrained from contradicting them as legal proceedings were in progress then on the subject. In the evidence, however, that had been elicited there was no ground for any charge against him that did not equally criminate the Whig and Radical Members for the same borough for the last seventeen years. On a motion of the hon. Member for Kilmarnock for the payment of the expenses of witnesses, he had hoped that he should have had the opportunity of making his statement; but unfortunately for him, that notice was withdrawn. The hon. Member for Hastings had also given notice of a motion for the disfranchisement of the burgesses of the borough of Yarmouth, which was also withdrawn, so that again he lost the opportunity of making his statement. The House had ordered a prosecution and at the expense of the public, before it had heard evidence, and the parties had been put to an onerous and grievous expense; the witnesses in the meanwhile had been kept in the pay and employment of the Whig and Radical interest, who had caused the proceeding. Now, with all their disadvantages, and the case conducted by his Majesty's Attorney-General, it was blown out of Court amid the execrations of the jury, the execrations of the audience, and the condemnation of the judge. He would not, therefore, call God Almighty to witness, as some hon. Member might, and afterwards find that he had been guilty of a grievous lapse of recollection; but would content himself by stating that, upon his honour as a gentleman, there was not one of those statements but was gross, abominably, and wickedly false.

Mr. *Wason* stated, that every member of the Yarmouth Committee was of opinion that every allegation of the petition was proved. The chief allegation was bribery, and that was completely proved.

Mr. *Wakley* observed, that it had been said that it was not bribery if there was no promise or expectancy held out. Now it was hardly possible to prove expectancy in many cases. He thought it sufficient to establish the fact, and infer the corruption from the fact.

The Committee divided on the Amendment: Ayes 61; Noes 40—Majority 21.

Another division was had on the question to omit the words of the clause, "hereafter disqualified," the numbers were: Ayes 41; Noes 32—Majority 9.

The House resumed. Committee to sit again.

HOUSE OF LORDS,

Thursday, June 23, 1836.

MINUTES.] Petitions Presented. By the Duke of LEINSTER, from various Places, for Abolition of Tithes (Ireland).—By several NOBLE LORDS, from various Places, in favour of their Lordships' Amendments to the Irish Municipal Corporations' Bill.—By the Marquess of LANSDOWNE, from Devises, for the Corporation Bill (Ireland) as passed by the Commons.—By the Earl of FALMOUTH, from certain Architects, Complaining of the decision of the Commissioners appointed to determine a plan for building the New Houses of Parliament.

COUNSEL FOR PRISONERS.] Lord *Lyndhurst* rose to move the second reading of the Prisoners' Counsel Bill. This Bill had been a long time before the House; and as no member of the Government had intimated an intention of moving the second reading, and his noble and learned Friends in that House were too much engaged by other important business to do so, he thought it his duty to make this motion. Before doing so, it might not be amiss to trouble their Lordships with a very brief history of the measure. In the year 1834, a Bill similar in principle to the present passed the House of Commons, and was sent up to that House, where it was read a first time, after which no further proceedings took place. Last year the Bill was again renewed, and passed the House of Commons on the second reading without a division, and came up to that House and was referred to a Select Committee. It was so late in the session, however, that it was impossible for the Committee to make any satisfactory report, and, beyond the printing of the evidence taken before them, nothing was done. At the commencement of the present Session, this Bill, founded upon the principle of the former measures, was again introduced into the other House of Parliament; a Select Committee was appointed, and they reported in favour of the Bill; it passed the other House by a considerable majority, and was now on their Lordships' table. During the period to which he had adverted, the Secretary of State for the Home Department directed a Commission, which had been appointed for some time, to investigate the state of the criminal law in this kingdom, and to direct their attention to this subject. They had done so, they had taken evidence, they had examined all the reports on the subject, and had made a most elaborate and learned report, recommending that the principle of the Bill should be adopted. Under these circumstances, and with this sanction, it was that the measure was now submitted to their Lordships. The first thing that struck any one who considered the subject was the strange inconsistency that pervaded the English law in this respect. A person litigating any right of property, however small, was allowed the assistance of counsel; but in a case affecting his character, his liberty, perhaps even his life, he was by the present state of the law deprived of that assistance. This was at first view not only a most inconsistent, but if he might apply so strong an expression to the English law, a most absurd regulation. Again, in cases of crimes of the deepest dye, which were visited with the severest of all punishments—he meant those which came under the denomination of high treason—prisoners were allowed the benefit of counsel; and in the lowest grade of cases, which came under the head of misdemeanour, they were allowed the same assistance. Thus the two extremes were put on the same footing; while in the intermediate cases of felony, the prisoner was wholly deprived of the benefit of counsel. Very extraordinary consequences resulted from this state of the law. There were offences connected with coining, which upon the first commission, were simply misdemeanours, but which, when repeated, became felonies. A man put upon his trial for the first would have the full benefit of counsel; were he indicted for a second offence, the same witnesses would be examined, precisely the same description of evidence would be gone through, and his counsel would only be allowed to put questions to the witnesses, and to argue points of law; he would have no right to address a single word to the jury. Again, in a case of extreme violence upon a female. This would be a case of felony, and the prisoner's counsel would have no right to conduct the defence or address the jury. If, however, the prisoner was acquitted because the offence was not completely established, and another indictment was preferred against him for an assault with intent to commit the offence, the same witnesses would be examined, the same facts gone through, and the counsel would be at liberty to conduct the defence, and to address the jury. Surely these were incongruities and absurdities that ought to be removed, unless some good cause were shown for the continuance of the present system. He should be enabled to show their Lordships that these were remnants of a barbarous code of laws relating to felons, which had been all got rid of with the single exception of the anomaly which it was the object of the Bill to remove. Formerly, in cases of felony, the counsel were not allowed to cross-examine the witnesses, or to suggest objections on points of law. The unhappy and ignorant prisoner at the bar had the liberty of suggesting a legal objection, but he must do so of himself, without any consultation with counsel; it was taken into consideration by the judge, and if he thought fit, the question was argued by counsel appointed for the purpose. In cases of felony, no witnesses were examined on the part of the prisoner until Queen Mary sent down directions to the Chief Justice of the Court of Common Pleas to take evidence on the part of the accused. The law, however, remained imperfect, because, though witnesses were examined, they were not examined upon oath. Lawyers were sometimes very astute at finding out reasons to support every existing institution, and they assigned a very singular reason for this practice. They said that it originated in lenity towards the prisoner, because the witness, not being bound by an oath, would speak largely and beneficially for him. This was rather a singular doctine, the object of a court of justice being to elicit the truth; but let their Lordships mark its practical effect as exhibited in numerous instances in the "State Trials." The moment the judge began to sum up the evidence to the jury, and to contrast the evidence for the prosecution with that given on the part of the prisoner, he always took care to inform the jury that, in estimating the degree of weight which was to be attached to the testimony on each side, they must not lose sight of the important fact that the witnesses for the prosecution were examined on oath, while those for the defence were free from that obligation. He could state to their Lordships, that the opinion of the legal profession was daily growing more and more favourable to the measure he now proposed. Some ten or twelve years ago it was strongly against the change, but from all the inquiries he had made, he could undertake to say that a great majority of the profession were now decidedly favourable to the principle he contended for. To confirm this statement he need only refer their Lordships to certain passages in the Commissioners' Report. It appeared that the current of ancient authority was strongly in favour of the change. The first authority was that of Sir William Blackstone, a man who, from his considerate and cautious mind, was well worthy to give an opinion. Sir William Blackstone said, that he was of opinion that in cases of felony there could be no reason why the defence of the prisoner should not be intrusted to counsel, as well as in cases of misdemeanour. The next authority was that of Lord Coke, who stated very shortly what he considered to be the ground of the rule by which counsel were disallowed in cases of felony. "No counsel (said Lord Coke) is allowed in cases of felony, because the evidence ought to be so clear that it cannot be contradicted." And this passage of Lord Coke's was adopted by Lord Nottingham, on the trial of Lord Cornwallis for the murder of Robert Carr. He said, when acting as Lord High Steward on that trial, "No other good reason can be given why the law refuseth to allow the prisoner at the bar counsel on matters of fact, in the result of which his life may be concerned, but only this, because the evidence by which he is condemned ought to be so very evident, and so plain, that all the counsel in the world should not be able to answer it." The premises of this argument appeared to him entirely to fail. He knew that in a great many cases in which he had himself been concerned as counsel, or had been sitting as judge, the evidence had been of so extensive and so complicated a character, directed against the life of man, that it was ridiculous and absurd to state that it could not be contradicted; and that the observations of counsel upon it might not have been of the greatest service, not only as far as the conclusion of the jury, and the interests of the prisoner, and the enlightenment of the mind of the judges was concerned. If their Lordships, then, were satisfied that the premises on which the reasoning of those learned persons was founded, failed, and those premises being stated was the only good reason, and that turning out to be no reason at all, then he had Lord Coke and Lord Nottingham as authorities in his favour. But this was not all, The current of authorities set most strongly in his favour upon this subject. He could quote the authority of Whitlock, who was one of the Commissioners of the Great Seal, and also of Judge Jefferies, as being in favour of the principle of this Bill. On the other side, there was certainly the respected and revered name of Sir Michael Foster; but he did not express himself very strongly upon the subject. His observation was this:—"I am far from disputing the propriety of this rule. In all these cases we must be guided by a balance of evils and inconveniences." He (Lord Lyndhurst) admitted the authority and even the doubts of that Learned Judge to be entitled to great attention; and it was in consequence partly of those doubts, and in consequence, after an examination of the subject of what occurred to him would be the evil and inconvenience of departing from the present system, that he formerly opposed a Bill similar to the present in the other House of Parliament. He had reason since to observe the progress of opinion upon this subject, and to make inquiry respecting it while he was at the bar, and since he had been on the bench, to see the working of the system; and the result had been, that he was satisfied that the evils and inconveniences of allowing counsel to prisoners had been greatly exaggerated, and that being exaggerated, he thought they ought not to be put in competition with that which the obvious justice of the case appeared to require. It was said that the prisoner might himself address the jury; and a lawyer of considerable eminence, Mr. Sergeant Hawkins, had said, that an address by the accuser was likely to be attended with a more beneficial effect than when made by counsel. With all submission to that authority, this appeared to him to be a mere mockery. How few persons were there, even of education, who were accustomed to public speaking; and even if they were, how few were there who, for the first time in their lives, being called upon to exercise that power or gift with reference to a subject of this kind, could go into an examination of a complicated case, and point out the improbabilities and inconsistences of the evidence, so as to do justice to himself. That observation applied to persons of education; but how few persons of education were there put upon their trial for felony. The great mass of persons who were thus circumstanced were the uninformed and uninstructed, and when their Lordships took into consideration the condition of such persons, the novelty of their situation, and the anxiety of mind which it must create, and looked at the fatal consequences which might result to them from a mere slip or phrase of speech, how absurd and extravagant was it to say that it was better for the party accused to defend himself, and that he would do it with more effect than if his defence were conducted by counsel. But he begged their Lordships to look at the injustice and partiality of the principle. You allow counsel for the prosecution to address the jury upon matters of fact; but you won't allow the party accused to do so. Could any injustice be greater than that? What was the answer to this? Why it was said that the speech made by the counsel for the prosecution was of infinite importance to justice being done between the parties; it detailed the facts in a cold and unimpressive manner merely in order to introduce the evidence, and that it was beneficial even to the party accused. If that were so now, it was not so formerly; and he believed the alteration which had taken place in the system had arisen mainly from the discussions to which this Bill had originally given rise when introduced in 1825. But what was the kind of speech which counsel for the prosecution made in cases of this description? One likely to have the most fatal effect against the accused. He would take the case of a party indicted for a capital offence, where the case depended upon a great mass of circumstantial evidence. What was the kind of speech likely to have the most fatal effect? It would be the speech of an ingenious counsel, who would collect all the little facts of the case, and arrange them in such order and manner, interspersing them with occasional observations, as to lead the minds of the jury to the conclusion that the accused was guilty of the offence with which he stood charged. Such a speech as he had described, introduced as it would be with the expression of great mercy towards the prisoner, and of a hope that he would be able to extricate himself from the toils in which he had entangled himself, was likely to produce a much more powerful effect on the jury, unfavourable to the prisoner, than any speech delivered with zeal and passion, which, by creating a revolting impression, would be likely to produce no effect at all in his favour. But this was precisely the description of speech which counsel now, under the restrictions they were supposed to be subjected to, addressed to the jury in that class of cases. It was monstrous to say that the counsel for the prosecution should be entitled to make observations in order to show the coherence of the several parts of the evidence, and that the prisoner should not have counsel for the purpose of exposing the inconsistencies, contradictions, and improbabilities of the evidence directed against him. It was quite impossible, if the object were to administer justice, that reasonable men could sanction a system so partial. But there was another consideration of importance—what did the experience of the world say as to this? What was the practice of the other countries in civilised Europe? We boasted of the tenderness of our laws, at least of the administration of them. We thought that we stood, in that respect, above all the civilised nations of Europe. But there was not a country in Europe where a party accused had not a right to defend himself by counsel, both upon matters of fact and law, except in this country and in Ireland. In Scotland that was the practice. Were their Lordships justified, then, in permitting it in one part of the country, and denying it in another? What were the grounds for that distinction? It was said that the law was different; but there was nothing in the difference of the law upon which they could build a reason why a system should exist in the northern part of the island, and should not exist in the southern part of it. What also was the case in the British colonies, where the criminal law of England prevailed. Mr. Dwarris told them, in his Report, that it was the practice to allow prisoners to defend themselves by counsel upon questions of fact as well as law, and that no inconvenience resulted from it. In the United States, likewise, where the common law of England was the law of the country, it had long been the practice to allow counsel to prisoners, and no inconvenience or complaint had resulted from it; nor was it followed by the existence of those evils which it was supposed would result from the practice if it were adopted in this country. Then what was another objection? It was one which no person would venture to state openly, and yet it operated very powerfully against this Bill. It was one which was hinted at, but which no one would avow—it was an objection of time. It was said that it would extend the duration of the assizes and sessions beyond measure, and entail great expense upon the country. But this was stated always with a protest by those who used it, that it was not intended to rest their case upon the argument of time. And justly so, because if their Lordships were satisfied, that in a matter which might result in the forfeiture of a man's life, it was necessary to the ends of justice that further time should be allowed, he was confident that their Lordships would not say that they would not allow that time, because it was inconvenient, and would be attended with expense. They would not, upon such grounds, deprive a party of that full and fair trial which they in their judgments and consciences felt to be necessary for a due investigation of the truth. But then another objection which he believed was nearly obsolete, was this, that the judge was counsel for the prisoner. But he was not the advocate of the prisoner. That was not his situation; and if it were, he had no means of discharging his duty. He had no opportunity of intercourse with the prisoner; he had no knowledge of the facts which could be communicated by the party accused. What was the meaning then of the expression, "the judge is counsel for the prisoner?" It meant, that he would take care to see the law duly administered—that evidence should not be admitted which ought not to be so—and that he would see that the trial was regularly, fairly, properly, and impartially conducted. The expression could not have any other meaning. But another great argument was this—that the adoption of the proposed system would change the tone, temper, and character of our judicial proceedings in criminal matters. It was said, that under the present system everything was conducted orderly and quietly; that there was no zeal, no passion embarked in the case; that the witnesses on the part of the prosecution were temperately examined, and the witnesses for the defence patiently and impartially heard; that the judge dissected the whole of the evidence, and then impartially submitted it to the consideration of the jury. He admitted all that. He admitted also, that in some degree something like warmth and zeal would make its appearance in the courts of criminal justice, were counsel on the one side and on the other permitted to argue a criminal case. But he still believed that the evils in this respect were greatly exaggerated. And he would tell their Lordships why he said so. The most important and exciting cases were very often misdemeanours involving matters of grave accusation, and in which parties contended one against the other much more than they could be supposed to do in cases of prosecution for felony; and yet in cases of misdemeanour counsel were allowed. In the Court of King's Bench he had heard many misdemeanours tried under the superintendence of the Chief Justice, and also at the assizes, and yet he never found that there was any want of order, or decorum, or of that degree of tranquillity which should always prevail in the court of justice, and which was necessary to enable the parties called upon to decide the case to come to a correct judgment. In those cases he had heard some most animated speeches addressed by counsel to the jury, who sat as calm spectators all the while, the Judge also being equally calm, both parties feeling that the decision to be arrived at must be formed upon the facts presented to them. Again, it was a great circumstance in an argument of this kind that the objections made were merely speculative. Let them look at what was the practical result of the principle for which he was contending. Did they find that in Scotland the courts of criminal judicature were not capable of investigating the facts, because counsel on each side made animated speeches? The evidence led to a contrary conclusion. The Lord Advocate stated, that from experience he was satisfied if counsel had not been allowed to address the jury in many instances great injustice would have been done. There was another point, and which after all was the principal point to be attended to, namely, the best mode of investigating the truth? It was said that an argument between counsel would not assist the investigation; that it would embarrass it, and render it more difficult, because passion would be substituted for cool and calm inquiry. He had considered that particular objection, but what was the fact? In nine cases out of ten it was of no consequence whether counsel had the privilege or not. The facts would be so clear that it would be quite unnecessary to make any observations on one side or the other. But there was a class of cases of the utmost importance, in which the lives and liberties of men were involved. Take the case, for instance, of murder depending upon circumstantial evidence. There was not a case of that kind in which any man could say it was not of the utmost importance to the ends of justice that counsel should have the opportunity of making observations on the evidence. What was the course of a trial in a case of that description? Witnesses were examined from an early hour in the morning till late at night; the Judge took down the evidence, and the instant that was concluded, he summed up to the jury, commenting on the evidence as he proceeded. If there were a plurality of prisoners, the Judge pointed out the evidence which applied to each prisoner—reconciling apparent contradictions, or exposing real contradictions—showing the probabilities or improbabilities of the statements of the different witnesses, and contrasting the evidence of one witness with that of another. There was no individual (and he had sat in the situation himself), there was no judge who could say at the close of such a case that he was quite satisfied with the manner in which he had executed his duty. It was impossible for him not to be guilty of some omission, either as to the facts, or as to the making of some important observation which might have been suggested to him if counsel had been allowed to address the jury. The counsel, through the attorney, communicated with the prisoner, and all the circumstances were made known to him as to the character of the witnesses, and as to the prisoner's own position. These were the clues by which counsel were enabled to wander through that which was very often a labyrinth to a person who had not known anything of the case before. Could any one say that a counsel, under such circumstances, was not in a situation to make observations of importance, not only to the prisoner and the jury, but of infinite importance for guiding the mind and assisting the observations of the judge. It appeared to him that their Lordships had only to look at that class of cases to be convinced that the assistance of counsel was essential to the due administration of justice, and the full investigation of truth. There was one more observation which he thought it necessary to make. It was said that the judge was now considered counsel for the prisoner; but if a speech should be allowed to be made by a counsel for the prisoner, the judge would be compelled to reply upon that speech, and would thus appear to take part against the prisoner. He denied that conclusion. The judge stood high and independent, and was looked up to by the jury. They had a reliance on his wisdom and experience; and above all they had a reliance on his impartiality. It was not necessary for the judge to embark with zeal in the case. If he dealt in a mild manner with the sophistries of the counsel for the prisoner, and felt it necessary to expose his inconsistencies in argument, and to correct his errors as to facts, by drawing the attention of the jury to his notes of the trial, that would be abundantly sufficient for the purposes of justice. What did experience teach on these points? In trials for misdemeanours the judge was placed precisely in the same situation; but they did not find such a consequence result. He appeared as an arbitrator and a mediator, acting evenly between the parties; presenting the case fairly and impartially to the consideration of the jury. He had no apprehension of that result which had always been insisted upon in the discussion of this question. He had felt it necessary to trouble their Lordships at greater length than he could have wished, from the peculiar situation in which he was placed; he having in the year 1826 taken another view of this question. But he was satisfied that his former conclusions as to the evils and inconveniencies that would arise from the proposed change, were exaggerations; and he was now persuaded that those evils would be of no great magnitude, and would be more than counterbalanced by that great rule of justice on which the change was founded —impartiality. The conclusion then to which he had come upon this question was, that the present system was a remnant of a barbarous practice; that the continuance of it was against the great current of authorities; that if they continued it they would act partially beween the accuser and the accused; that it was contrary to the practice of all civilised countries; and in the last place—which perhaps was the most important consideration—an alteration was required, because it was essential to the due investigation of truth in the most important cases that could come before a court of criminal justice.

Lord *Wynford* said, his noble and learned Friend had adverted to the objection that the proposed change would necessarily involve the consumption of much longer time in criminal trials than was required at present. There was no doubt that the change would greatly protract such trials. He understood that one week was occupied in Scotland in the trial of forty criminals. He had at one assizes to try 240. Now in what time could those trials have been concluded, if counsel had to address the jury for the prisoner in each case? He did not, however, urge this as a permanent objection to the Bill, but he did not think that the country was yet ripe for such a measure. If it were to be adopted, it would be necessary to make a large addition to the present number of the judges. Three would be necessary to preside in some counties and four in others, and twelve at least would be required to try the prisoners in London. This, of course, would entail a very considerable expense on the country; but he did not rest on that, for he thought that no expense of time or money could be considered too large, if it had the effect of bringing about an improved system in the administration of justice, or afforded greater protection to the innocent man than he enjoyed at present. He himself did not object to the principle of employing counsel to address the jury for prisoners accused of felony; on the contrary, he had not heard any argument against that proposition which might not with equal force be applied against the employment of counsel in any case. For his own part, when presiding as a judge, he had often wished to have the aid of the opinion of counsel on the case before summing it up to the jury. It was not always possible for a judge, who was occupied in hearing a case for perhaps ten or twelve hours to be able in his summing-up to direct his attention to every minute point of the case, so as to bring them fully before the jury as they bore for or against the accused. He remembered a case which was tried before him at Leicester, and which he believed was in the recollection of his noble and learned Friends (Lords Denman and Lyndhurst). In that case a man was charged with having committed a murder at Melton Mowbray, which it was alleged, he had come from Barnsley, in Yorkshire, to commit. Amongst other circumstances, there was the evidence of a woman, who proved that the prisoner had left Barnsley on a particular day, at such an hour as would give him just time to be at Melton Mowbray at the time the murder was committed. That, of course, was not the only circumstance in the case; but, connected with others, it was, in his opinion, an important link and made an impression on his mind. The man was convicted and sentenced to death. He (Lord Wynford) had just retired to his chamber, when the attorney for the prisoner came to him, and informed him that the old woman who had deposed to the prisoner's leaving Barnsley, was right as to the day but had mistaken the week. In proof of this, the books of his employers were afterwards produced which showed that the prisoner was at his work at Barnsley on the day which the woman had described as that of his leaving. Under those circumstances, all he could do was to respite the prisoner, and recommend him to his Majesty for an unconditional pardon. Now, that was a case in which the aid of counsel would have been of great importance in addressing the jury for a prisoner, and cases in many respects similar were of frequent occurrence. In the evidence to which the noble and learned Lord had referred, there was a very extraordinary fact stated, namely, that during the shrievalty of a gentleman of the name of Wilde, no less than five persons were saved from being executed upon their several convictions by that gentleman, whose active researches proved that they were innocent of the crimes of which they had been found guilty. And could it be said, that justice was done, when in the course of one year five innocent persons were condemned in the city of London alone? He therefore, for one, was of opinion, that a full defence ought to be permitted to be made by counsel; but at the same time he must say, that additional means for administering justice ought at once to be resorted to. His noble and learned Friend, however, seemed to be of opinion that the present was a very good time to commence the experiment, and perhaps it was, for the calendars throughout the whole country were, he was happy to say, extremely light. Nevertheless he should have been very glad that additional Judges had been appointed, and still more glad if the other House of Legislature would consent to provide money to enable poor prisoners to employ and have Counsel for their defence.

Lord *Denman* said, it must be quite clear to their Lordships that his noble and learned Friend had merely been arguing in favour of the principle of the Bill; every part of which would be subject to examination in Committee, provided that principle was adopted by their Lordships. He was anxious to take an early opportunity of offering his humble thanks to his noble and learned Friend for the very able and completely satisfactory manner in which he had argued this important question. He agreed also with his second noble and learned Friend, that it was essential to carry this principle into practical execution, for the honour of the laws, for the due administration of justice, for the realization of truth, and for the protection of innocence. His Majesty's Government had always taken a strong interest in behalf of this measure, and in the course of this Session it might have fallen to him (Lord Denham) to propose this great alteration in the law, if he had not felt that it would have been very inconvenient for a person in his situation to propose such a change without being confident that it would be adopted by the Legislature. This case was placed upon a true and triumphant principle, when it was said that it was essentially necessary for the advancement and establishment of truth. It was perfectly obvious that no one reason could be given for denying this privilege to an accused man, which would not apply with much greater force to parties in civil cases. He was tempted on this occasion to refer their Lordships to one of their standing orders, in which the principle of this measure was stated in the best and most authoritative manner. By that order their Lordships would perceive that this House, being the highest Court in the Kingdom, and ready to set an example of justice to all other Courts, had ordered, for the due and more impartial administration of justice, that not only copies should be given to all the parties accused before it of all documents and papers connected with the accusation, but also that counsel should be assigned to defend such parties if they desire it. The standing orders 147 said:—"This the Lords do, because they wish that justice shall be done in all cases that come before them, criminal as well as civil, and because they think that no legal help can protect the guilty, and God defend that the innocent should suffer from the want of it." That was the opinion of the Lords in an order made 200 years ago. Their Lordships would remember what took place at the trial of Lord Lovat, who was accused of high treason in the year 1745, at which time counsel were denied to those impeached by the Commons. The words of Lord Lovat must, he thought, carry conviction to every mind capable of it. It was a most remarkable expression—the expression of a man of eighty years of age. He thus appealed to the House of Lords—"If you do not allow me counsel it is impossible for me to make any defence by reason of my infirmity. I do not see; I do not hear. I come up to the bar at the hazard of my life. I have fainted several times. I, therefore, ask assistance, and if you do not allow me counsel, and such aid as is necessary, it will be impossible for me to make any defence at all." This description of that infirm old Lord might be the description of every prisoner called upon to answer for his life. In addition to the authorities quoted by his noble and learned friend, he would refer to that of Sir Robert Shower, who, in reference to some arguments on the other side of the question, said, "In the name of God, what harm can accrue to the public in general, or to any person in particular, if in cases of state treason counsel should be allowed to the accused? What rule of justice can warrant the denial of counsel in that case, when, in the case of his stealing a halfpenny, he is able to plead by himself or an advocate." But it was not necessary for him to dwell upon authorities. The difficulty which he always felt upon the subject was, that he could never meet with any serious argument against the principle of allowing counsel to prisoners. He had had frequent communications and conversations with many learned persons who differed from him upon the subject, but he had never found any one who did not admit that principle justified a contrary practice to that which existed. Then was it to be allowed that the law of so great a country as this should be administered with such an admission, that there was something hanging about it which the most ingenious men were not able to justify upon principle? As to the difficulty that would attend the adoption of the principle, there was no state of things so bad from which something good might not result; nor was it possible to avoid incurring some inconvenience, even by a bad state of things being set right. But the question, and the only question, was this—what did the principle require—what was it that justice and truth demanded at the hands of the Legislature? Before he quitted the subject he hoped he might be allowed to refer to the authority of his late lamented friend Sir James Mackintosh, who in 1824 brought the matter under the consideration of the House of Commons and made a most convincing speech in favour of the principle contained in the present measure. He wished also to be allowed to state that his noble and learned friend Lord Brougham, who last year thought it right to institute a full inquiry into the matter before a Committee of the House, in deference to the scruples which were entertained by some high authorities, had authorised him to state that he was of opinion that the principle of the Bill now proposed ought to be adopted. Lord Brougham became a convert to the opinion that counsel ought to be heard in the defence of prisoners in the year 1826. Previous to that time he had entertained doubts upon the point, but further inquiry and more mature consideration operated to remove those doubts, and in 1826 he spoke in favour of a measure of this description in the other House of Parliament. He was not disposed to attach much weight or importance, as far as regarded the discussion of this question, to any evidence that might have been given of improper convictions. It was quite enough for the principle of this Bill that the proper administration of justice required it. At the same time it must not be forgotten that two weighty authorities, Sir Frederick Pollock and Mr. Alderman Harmer, in their evidence before the Lords' Committee, both stated that they had known instances where innocent men had been convicted, and actually executed; and similar evidence was given by Mr. Wilde, and also by his hon. and learned Friend Mr. Hill, before their Lordships' Committee last year. Of the various assertions he had heard urged against the principle of the Bill, he thought none were entitled to weight. In the first place it was said that the aid of counsel would rather do harm than good to prisoners. Now, the object of the Bill was not to do good to prisoners, generally speaking; but to take care that the innocent man should not be punished as the guilty, and that he should not run the risk of being so punished. The persons to be benefited by the Bill were those who were accused without being guilty. He entirely differed from those who thought that it would afford additional facilities of escape to the guilty. He did not think the guilty man more likely to escape in consequence of a full light being thrown upon all the facts and all the circumstances of the case. He denied also, that the permission to prisoner's counsel to speak, would prevent any case from being fully, calmly, and dispassionately heard, considered and determined. On the other hand, he thought that the existing system was far more calculated to excite warm and irritated feelings, and to interfere with that calmness which ought to prevail in every court of justice; for he had seen many instances where counsel were pinioned by the existing practice, where great excitement prevailed at the bar, and many disagreeable personal contentions arose, which could never take place if the counsel were allowed to speak in the defence of the prisoner. With respect to the assertion of time, he believed that the proposed alteration of the law would not lead to anything like the great consumption of time that was supposed. In one particular, indeed, he thought it would lead to a general saving of time, namely, in the cross-examination of witnesses, out of which the prisoner's counsel were now compelled to make their whole defence. This cross-examination would be greatly shortened if the counsel were at liberty to speak. Another argument which had been much pressed, and was thought to be entitled to great weight, was the supposed incompetency of the chairman of quarter sessions to take trials when they had to make observations to the jury on what had taken place, and to distinguish between the sophistical and the just and true arguments advanced by counsel. He felt convinced that there could be no difficulty upon that head. There might, perhaps, be some question as to the propriety of putting the judge always in the situation of replying to the counsel for the prisoner. That, however, appeared to him to be a matter of detail, which would most properly be considered in Committee. It could not affect the principle of the Bill. In circumstantial cases, which almost always lasted a long time—where much prejudice existed—where the judge was placed in possession of all the evidence before the trial commenced, in such cases he could not conceive that any one fit to fill the situation of judge, would deny that he was desirous of hearing what an able and ingenious counsel could say on the side of the prisoner. The situation of the judge on such occasions, was one in which no man ought to be placed. The task of attending to the circumstances as detailed in the indictment, the duty of attending to the evidence and taking notes of it as it was adduced before him at the trial, and at the same time forming an opinion which he was to carry through the whole case, of how the evidence in all its bearings affected the guilt or innocence of the prisoner—this was more than any man ought to be called upon to do. The judges were not anxious to express any opinion whatever with respect to the present Bill, but it had naturally been a topic of conversation amongst them, and without presuming to intimate in the most distant manner what their feeling upon the subject was, he could not refrain from stating what fell from one of his learned Brothers on a late occasion. "It is probable," said he, "that the fate of the man who is now before me depends upon the view I take of the case and upon the manner in which I submit it to the jury. It may be a long, contradictory, and difficult case. Yet I have no time to form an opinion or to reason upon the matter at all, except during the short interval whilst witnesses are undergoing the ceremony of taking the oath." The position of a judge so situated is most painful. After alluding to the mockery of calling upon an ignorant man at the close of a long trial to defend himself, the noble and learned Lord concluded by stating that to the principle of the Bill, as far as it went to take away the existing prohibition on counsel to address the jury on behalf of prisoners, he was decidedly favourable. All beyond that appeared to him to be matter of detail, and demand further consideration before it were determined.

Lord *Abinger* had great doubts as to the policy of the measure, and was afraid of their Lordships becoming too much in love with theory. He was therefore, unwilling to give an opinion, lest it should be a hasty one, respecting the Bill. But on the best consideration which he had been able to give it, he must admit the principle of the proposition;—at the same time he thought their Lordships ought to make it as an experiment, rather than as a permanent measure. Entertaining these opinions, he did not offer any objection to the second reading of the Bill; but there were parts of it in which he did not concur—for instance, he did not think that in all cases the prisoner should have the right of reply by Counsel. These, however, were matters which could be gone into only in the Committee.

The *Lord Chancellor*, feeling that he could add nothing to what had already been so well and so ably said by his noble and learned Friends upon the subject, rose merely to express his entire acquiescence in the principle of the Bill, as expressed in the first clause. He hoped that the stigma which had so long attached to the practice of our criminal courts would now be removed, and that in those cases in which it was most important that the truth should be ascertained, the ordinary means of obtaining it would be supplied. His noble and learned Friend (Lyndhurst) had stated, that he had felt it his duty to bring the subject under the consideration of the House, because no Member of the King's Government appeared disposed to do so. He begged to assure their Lordships that he should not have failed to bring the matter forward; though he now rejoiced that he had not done so sooner, inasmuch as that the delay had obtained for the measure the powerful aid of his noble and learned Friend.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, June 23, 1836.

MINUTES.] Bills. Read a first time:—Sugar Duties; Paper Duties; Lighthouses; Notaries Public.—Read a third time:—Fisheries; Benefit Building Societies; Chapels of Ease (Ireland).

Petitions presented. By several Hon. Members, from various Places, for Abolition of Tithes (Ireland).—By several Hon. Members, from various Places, praying the House to adhere to the Irish Municipal Reform Bill as originally passed by them —By several Hon. Members, from various Places, for Vote by Ballot.

Proceedings in Committees.] Mr. *Hume* rose to move in relation to the Committee on the South-West Durham Railway Bill, the order which was then discharged. He did so because it appeared to him that the Committee in coming to the resolution they did had deviated from the rules and instructions laid down by that House on the subject of Railway Bills. The Committee had been ordered to re-assemble for the purpose of reporting to the House the reasons on which it had come to the resolution, that the preamble to the Bill had not been proved; and when it re-assembled, it came to the following resolution:—"That the reasons upon which the Committee came to the resolution that the preamble had not been proved, could only apply to those Members who had voted on that proposition." This, he contended, was limiting the number of Members who should vote in the Committee, and he called on the Speaker to say, whether such a power resided in a Committee. He also called on the House to support his motion. This was not a question as to the merits of the Bill, but one that regarded the proper course of proceedings in Committees. The hon. Member concluded by moving, that the Committee on the South-West Durham Railway Bill do re-assemble for the purpose of reporting specially on the preamble of the Bill, on the ground that their previous resolution restricting the votes of Members of the Committee is contrary to the practice of Parliament.

Mr. *Rigby Wason* would move as an amendment the following Resolution—"That when any party has just reason to complain of the conduct of the Members of a Committee upon any Private Bill, the proper remedy, according to precedent and authority, is to appeal to the House for a Committee of Appeal." He contended that the admission of the hon. Member, that this was not a question as to the merits of the Bill put him out of court with his present motion. His motion, under such circumstances, should have been for a Committee of Appeal. The hon. Member quoted various precedents, and the opinion of the late Speaker, in support of that view of the question. No Members of the Committee had been prevented from voting by the resolution complained of by the hon. Member for Middlesex. He believed that this motion had been entirely got up by the attorney for the Bill, who could not get his bill of costs paid, and who was anxious to have such an order made by the House as would induce the shareholders to subscribe an additional 1*l.* per share, the greater part of which would go into his own pocket. No injustice had been done to any party by the decision of the Committee, and the resolution they had passed had, consistently with common sense and the meaning of the English language, explained the previous order of the House. He would certainly divide the House on the subject.

Sir *J. Graham* said, that having voted for the Report agreed to by the Committee, and having also been a party to the resolution of which the hon. Member for Middlesex complained, he should, nevertheless, vote for the motion of that hon. Member on the present occasion. He was ready to agree with the hon. Member for Ipswich, that the present proceeding was a novel practice; but the whole question of railroads was a novel one, and the instructions with regard to them had been sanctioned by the House. The Resolution complained of certainly only expressed a fact, for the reference of the House could not apply to Members of the Committee who had not attended and had heard none of the evidence on the Bill, for they could give no reasons for voting that the preamble was not proved, as they did not vote on that question at all. He had been, therefore, a party to that resolution, as he thought it a less evil than adopting the absurdity he alluded to. In common, however, with the hon. Member for Middlesex, he had thought it right to apply to the highest authority in that House on the subject. The question was, whether it were competent for a Committee to pass such a resolution, and the right hon. Gentleman in the Chair had, upon two grounds, decided that such a resolution could not be sustained.

Amendment withdrawn.

Original Question agreed to—Committee to re-assemble.

The Ballot.] Mr. *Hume* presented

a Petition from Bristol in favour of the Ballot.

Mr. *Harvey* presented a Petition to the same effect, but the name of the place from whence it came was inaudible in the Gallery.

Mr. *Leader* presented a Petition from 5,000 inhabitants of Bristol to the same effect.

Mr. *Grote* spoke as follows :—I am about to propose to you, Sir, the motion, notice of which stands on your paper, respecting the mode of taking votes at elections for Members of Parliament. I mean to ask for leave to bring in a Bill, providing, that votes shall be henceforward taken in secret, by way of ballot. Sir, on the previous occasion, when I introduced this subject to your notice, I did so by moving a simple resolution of the House, to the effect that secret voting at elections for Members of Parliament was expedient and preferable. On the present occasion I shall move for leave to bring in a Bill to accomplish this object; and I make this slight change in my mode of proceeding, because I imagine that there may be some Gentlemen who, though not unfavourable to the system of secret voting, are yet mistrustful as to the possibility of carrying out the principle into detail conveniently and effectually; and, therefore, hesitate to affirm the abstract resolution when simply and nakedly proposed to them. If I am allowed to bring in my Bill I shall show the House that the regulations essential to a system of secret voting may easily be framed with perfect convenience to the voter and entire certainty to the main object; and I may safely promise Gentlemen, that if they are not at variance with me on the ground of principle, they shall have very little reason to complain on the score of deficiency in the details. By assenting to my present motion they will not be called upon to pronounce an irrevocable determination in favour of secret voting until they see the details through which it is to be brought into operation. Sir, it is not my intention to trouble you with any long preface or introduction before I proceed to state the grounds on which I presume to claim your favourable hearing. Gentlemen will not need to be reminded that we sit here as the representatives of the people—chosen by them, and for their benefit—chosen by them generally as the guardians of their persons and properties, and more especially as the guarantees of their public franchises and their political liberty. The preservation of that tie which connects us with the people at large in all its integrity, is a matter of the deepest public concern. It would be superfluous, Sir, at this time of day, to insist upon that which all constitutional writers have unanimously admitted—that the efficient operation of the elective principle is the primary condition and characteristic requisite of every Government pretending to the honourable title of a representative Government. It has never been yet disputed, and I do not expect to hear it disputed this evening, that pure and free elections are vital wants of the British community in particular; and that any cause which subverts the freedom or impairs the purity of elections, is fraught with serious and incalculable mischief. In pressing, therefore, upon the House the consideration of the vote by ballot, as an indispensable element of all practical purity and freedom of election, I shall not be accused either of trifling with your time or of aiming at any end which has not been recognised as strictly constitutional and legitimate. I hold that our most solemn obligations to the people will remain undischarged, so long as we permit them to be deprived in practice and reality of these their best political rights, and their only effectual security against public extravagance and misconduct. To justify myself, Sir, in calling for the interposition of this House, I must offer you proof of the existence of some evil requiring remedy, and susceptible of remedy. I must make out to you a case of exigency, such as nothing but the powerful and commanding arm of the Legislature can effectually deal with. Now, Sir, how do the facts stand with reference to your elective system? Have you pure and free elections, or anything at all like them, as matters stand at present? Put this question to any man of any politics, and I apprehend that the answer which you will obtain will be one and the same. However indisposed men may be to act vigorously in rectifying the evil, there are but few who are bold enough or blind enough to deny its reality; nay, Sir, I believe that on this subject I labour under a difficulty the opposite to that which is commonly experienced by those who submit motions to Parliament; for the evil which I seek to correct is not unknown, not unperceived, not of recent growth, but trite, too familiar, and of too long standing to excite those feelings of repugnance which properly and intrinsically belong to it. Gentlemen talk of election abuses as a matter of course, which it may be decent to punish for the sake of appearances when a flagrant case happened to be detected, but which none but visionaries or enthusiasts will ever pretend to suppress or eradicate. Sir, I shall not now stop to inquire how far this tone of restlessness and levity as to a great political evil is justifiable in a representative of the people; but gentlemen must keep in their recollections that the present times are not quite analogous to the past, and that election abuses cannot be safely blotted out from all serious or deliberate considerations as they were formerly. Practices which might be in full keeping and consonance with the general rottenness of our system of representation as it stood previous to the Reform Act now stand out in glaring contrast with the principles of that measure, and still more with the promises and declarations of its authors. When the noble Lord who first introduced the Reform Act announced his memorable purpose of guaranteeing to us a House of Commons possessing and deserving the confidence of the people—when Lord Grey proclaimed to the world that nomination of Members of Parliament should cease to exist, and that representation should be erected everywhere in its place—I contend that these declarations did, in their fair meaning and spirit, imply a pledge to have none of the known and standing disorders of the elective system without correction and redress. I now call upon the noble Lord for the fulfilment of his beneficent pledge, and I am sure he will not be surprised if the electors whom his own act has created entreat from him that protection which is necessary to the quiet and conscientious exercise of their franchise. But, Sir, there is one other circumstance yet behind, which, even if it stood alone, would render a prolonged indifference on this subject intolerably disgraceful to our character as a Legislature. Sir, the extent and prevalence of these election abuses does not now depend upon mere presumption, however general and however confident; it is not now a matter which every one believes but no one can formally prove; it rests upon something better and stronger than all this—upon positive, authentic, and indisputable testimony, collected and sifted by your own Committees. I should be justified in what I now assert, even if I had nothing else to appeal to than the statements proved in evidence before various special Committees of the House, in reference to particular Parliamentary boroughs. The House will not forget that there have been several special investigations of this kind. They will not forget the disclosures made before the various Parliamentary Committees on Stafford, Warwick, Hertford, Ipswich, York, Yarmouth, and other places. They will not forget the reports made by the Municipal Corporation Commissioners, in reference to the conduct of the freemen in many important Parliamentary boroughs. These multiplied investigations have brought to view a body of dark and infamous details, which cast a melancholy shade over the general picture of election management in England. What description will any future historian give of the real working and interior spring of that which we extol and sanctify under the name of representation when he finds documents such as these—contemporary and unquestionable documents—to guide him in his researches? But, Sir, over and above the testimonies collected by these special Committees, important as they are when singly taken, and still more important in their aggregate effect—there is yet another document, more weighty and conclusive than all of them. I allude to the Report of the Committee of last year on bribery and intimidation at elections. It will be recollected that the House appointed this Committee last year to inquire generally into the extent and prevalence of these evils, and to suggest the best means of preventing them. I hold in my hand, Sir, the voluminous series of evidence received and published by that Committee, and I scruple not to assert that proofs more irresistible can hardly be conceived of the depravity and the subjection which now so largely pervade our elective system. No man can read this Report without shame and uneasiness, unless he has prepared himself to disregard and laugh to scorn all idea of purity of election. Gentlemen who have looked over the volume will at once perceive that the portion of evidence relating to bribery is the least novel; but even here there is much to arrest our attention. Mr. Cockburn, a barrister, examined before that Committee, who gave evidence distinguished for its ability, stated, that from all the information with which his practice and inquiries furnished him he concluded confidently that bribery prevailed at elections to an extent of which the House and the country had scarcely any idea. The witnesses whom the Committee examined from Bristol, Leicester, Norwich, and Ipswich—Mr. Staff, Mr. Hudson, and Mr. Cowell—go far to corroborate and sustain the conclusion. You see in these places and elsewhere a system of bribery, standing perpetual, incorporated with the habitual proceedings both of agents and electors. You are plainly told, that a candidate who refuses to conform to it conducts his election at the greatest disadvantage. You are apprised that it enters into the calculations of a certain class of electors like the annual return of the fair and the races. The forms of bribery do, indeed, vary from one town to another—the gift or the promise sometimes assumes a peculiar dress or a local name in one town, which would be foreign and unintelligible in another — but the substance and essential characteristics are just the same throughout. Such, Sir, is the tenor of the evidence which the Committee on bribery and intimidation collected with regard to the first branch of their subject. Now how stands the fact in regard to the second branch? Sir, the testimonies collected by the Committee in proof of intimidation are even more abundant and more decisive than those in proof of bribery. And not only are they more abundant and decisive, but they derive additional value from this circumstance, that they are furnished by persons of opposite political parties. It seems that all parties whatever make loud complaints of intimidation, some from one quarter, some from another; but all with one accord proclaiming that this mighty evil is of continual occurrence. Such, indeed, was the sense entertained by the Irish Government under the hon. Gentlemen opposite, in January and February, 1835, of the violent intimidation alleged to have been practised at the elections which had been just terminated that they directed special inquiries to be made by several of the chief constables, and Reports to be sent to them on the subject. It is from these Reports that much of the evidence taken before the Committee on this branch of election intimidation is drawn, some of the chief officers in the constabulary force having been personally examined before them. These witnesses depose to popular tumult and violence in many parts of Ireland, for the purpose of overawing electors, and constraining them to vote on the popular side; they depose further that these violences were in many cases inflamed and countenanced by the Catholic priests; and they state several cases of exposure of voters, who were about to vote against the popular candidate, to alarming threats and ill-usage from the mob, as well as to the risk of being ruined by resolutions of exclusive dealing. With regard to other branches of intimidation, we have not the same advantage of elaborate inquiry, undertaken by local functionaries, under the special direction of the Government. Yet, notwithstanding this disadvantage—notwithstanding the absence of official investigation—a body of testimony no less conclusive and authentic was furnished to the Committee by numerous spontaneous witnesses. It has been incontestibly shown that intimidation by the people and the priest, take it at the worst, is only one amongst many varieties and descriptions of intimidation. If the free-will of voters is occasionally borne down by the violence of the mob, it is still more frequently overruled by the dictation of landlords and agents, and generally of rich purchasers and consumers. If one set of electors are exposed to injury for voting against popular will, another class are obnoxious to ruinous loss and severe persecution at the hands of their landlords, if their consciences are found stiff and uncomplying on the day of election. Perhaps hon. Gentlemen might imagine that these mischiefs and abuses are peculiar to Ireland. Would, indeed, that the fact were so. But it is in this case as in others, Irish abuses are the same in kind as English abuses, only on a gigantic and exaggerated scale. The testimonies collected from various quarters of England reveal the same mischiefs, the same oppressions, the same sufferings and prostration of the voter on this side the Channel as on the other. If hon. Gentlemen will peruse these evidences in reference to the towns and counties of England, they will see the same active warfare going on against the freedom of election—they will see landlords, magistrates, clergymen, attorneys, creditors, master manufacturers, patrons of every kind, under every name, and, lastly, the assembled crowds of poor electors or of non-electors—they will see all these various parties, each in its separate sphere, engaged in the same work of aggressive interference, against the rectitude and the liberty of their neighbours' political consciences. It would be easy for me, Sir, to enforce and illustrate everything which I have stated by ample extracts from the volume which I hold in my hand; it would be easy for me to quote sentence after sentence out of the evidence of Mr. James, Mr. Cowell, Mr. Roberts, Mr. Terrell, and others, in reference to the intimidation practised by the wealthier classes; or evidence to the like effect, from the evidence of Mr. Gilbert and Mr. Craven, in reference to the intimidation exercised by the general mass of poorer inhabitants in a large town. You cannot open this book without finding abundant and striking illustrations on the mischiefs on which I have touched; and the only reason why I abstain from reading them to the House is, because it would carry me into a multitude of details too long for their patience and attention. I content myself, therefore, with stating in general language the bearing and tendency of the evidence, and the wide extent of intimidation which that evidence attests; nor do I at all fear that I shall be accused, by any one who has gone through this volume, of having performed the task partially or unfaithfully. Sir, the general facts which I have cited from the Report of the Committee on bribery and intimidation will be in part familiar to the House —in part, perhaps, novel and surprising. The evidence taken before that Committee has been very largely quoted and very emphatically insisted on in this House by Gentlemen opposite; but I must say that they have not dealt fairly either with the evidence or with the subject. To hear their speeches one would have imagined that encroachment on the freedom of electors was an offense committed by no one in this realm except by Catholic mobs and Catholic priests, instead of being, as it is, the regular practice among powerful men in the country, of all professions, creeds, and varieties. Then, again, Sir, with what feelings have they approached this subject, and what are the inferences which they have endeavoured to raise from it? Have they bent their minds to ascertain the real nature and the full extent of the evil, in order that they might be enabled to suggest an adequate remedy? They have manifested nothing of such a disposition; they have magnified even to exaggeration this special branch and fragment of a widespread evil, with no other view, as it should seem, than that of swelling the outcry against Catholics and Irishmen. Sir, I know not how the House may deal with my proposition of to-night, but of this I am most certain, that I approach the subject with feelings very different from those which I have been just describing. I approach it with a sincere desire to understand the evil in its full extent, and to fathom it in all its depths and recesses—I approach it with no purpose of making a part stand for the whole, or the species for the genus; and, above all, I approach it with the deepest anxiety to provide an adequate remedy—a comprehensive and all-sufficient remedy. I stand upon this plain and broad position, that elections ought to be free—free absolutely and universally; I try to put down, without reserve, all intimidation, from whatever quarter it may come; I furnish the elector with a shield against every sort of tyranny over his vote, whether it be a single-headed or many-headed tyranny. I should think it a waste of your time to examine which species of intimidation is the most mischievous, or which the least —which is aggression, and which is retaliation—admitting, as I do, that all are bad, and that all ought to be put down. One thing I shall just remark, in reference to the Catholic priests, because it connects itself with the general question as to the latitude of interference admissible. It seems to be assumed by Gentlemen opposite, that Catholic priests have no right to interfere in elections at all—that they are debarred by the functions which they exercise from doing so. Now, Sir, this is a position to which I can by no means accede. I never can consent to divest any man, be he layman or ecclesiastic, of his character of citizen; because there is no man of any profession who is not interested in the goodness of the laws, and in the proceedings of this House. But, Sir, though I strenuously uphold the right of the priest to interfere at elections, yet there is a right and a wrong way of interfering; and priests as well as landlords, or any other men, may interfere in the wrong way as well as in the right. If a priest thinks one candidate better than another, he is fully warranted in urging all such reasons and considerations as he may think relevant to the case, to impress the same persuasion on the minds of his neighbours. So far he is perfectly justified. But if, instead of confining himself to persuasions, he should proceed to menace or injure those whom he could not persuade—if he should instigate his own friends and partisans never to hold communion or intercourse with this man, never to buy anything at the shop of another man, because the person so denounced chose to vote for the Tory candidate—if the priest does this, he then lends himself to an act of intimidation, and is guilty of wrongful and unwarrantable interference. Sir, if Gentlemen will read the evidence of Mr. James, of Hereford, taken before the Committee on Bribery and Intimidation, they will see that the clergy of the Church of England are not behind-hand in zeal and active industry at the critical moment of an election. And in the evidence of James King, Gentlemen will find a statement still more strikingly illustrating this conclusion; they will find it recorded, that the Vice-Chancellor of the University of Cambridge dismissed his gardener from his service, because the man refused to comply with his request, that he would vote against the right hon. Gentleman, the present Member for the town of Cambridge. Now, Sir, do I complain of the Vice-Chancellor of Cambridge for interfering at elections? By no means; he had the clearest right to interfere if he chose: but I say of him, what I should say also of a Catholic priest, that he had no right to interfere in a way utterly subversive of all liberty and sincerity of voting. I do not hesitate to maintain, and I am borne out by the Constitution in saying so, that whoever violates the freedom of election, ought to be regarded as a public enemy, be he priest or landlord, Englishman or Irishman, Catholic or Protestant. The nation, in its collective majesty, has a paramount title to the free and independent suffrage of each separate elector: the elector, on his part, is entitled to the undisturbed exercise of his franchise, according to the lights of his own conscience; and neither the nation nor the individual are to be ousted of these precious rights by any intimidator, be his station ever so dignified, or his property ever so overwhelming. Sir, I repeat again, that it is in the name of freedom, and purity of election generally and impartially, not for the purpose of ensuring a monopoly of intimidation to any one class or party, that I now call upon the House to interpose; and if freedom of election be at all valuable in their eyes, I do not see how they can refuse to interpose. For the evil is now not merely inveterate and notorious—it is formally authenticated—it is proclaimed in the evidence taken before your own Committees—it is proclaimed in a way which you can no longer avoid seeing or noticing. What shall we urge in our defence, Sir, if we neglect to apply any remedial measure, when the distempers in our electoral system have been thus proclaimed as it were by authority, thus blazoned forth in the full daylight of parliamentary recognition? Have Gentlemen made up their minds to see this leprosy cleave to us and to our posterity for ever, or do they fondly expect that it will die of itself, without any active precautions on our part to counterwork or neutralise it? Sir, I am so far from expecting any future abatement in the practice of intimidating at elections, that I see every reason to fear a contrary result; I see strong ground for anticipating that undue power over the liberty of voters will be exercised henceforward more vigorously and audaciously than ever. Men grow bolder and bolder in a pernicious course by the prospect of impunity; and when it it is seen that the House, after having fully laid open the vastness of the evil, decline even the attempt to apply a remedy, I ask what inference can be drawn, except that we are still inclined to look upon electioneering abuses with indifference at least, if not with secret favour and connivance? Sir, if we wish to escape a suspicion so heavy and so discreditable as this is, and to maintain some reputation as faithful guardians of the freedom of election, I contend that we can no longer defer the application of an adequate remedy. Now what are the remedies which have been suggested to correct it? According to my view of the case, the only remedy is secret voting; but is there any different proposition started by the ingenuity of others for the accomplishment of the same end? Sir, I regret to be obliged to state that this Report, explicit and voluminous as it is in the exposition of existing evil, is miserably poor and unproductive in the suggestion of remedies. All the witnesses to whom the question is put agree in thinking that any direct and formal enactment, imposing specific penalties on intimidation at elections, would be ineffectual and unavailing; in point of fact, every witness, who proposes any remedy at all, confines himself to the suggestion of vote by ballot. So much then, Sir, is undeniable, that the evils attending the present system of elections are most extensive and revolting, and that no other remedy has been or can be, propounded for them, except the vote by ballot. On this ground alone I am entitled to ask, that you do not reject my proposition without attentively and deliberately weighing it; for this at least must be admitted, even by the warmest opponents of the ballot—that it is a simple and intelligible change—that it trenches upon no existing rights—that it neither confers new political privileges on any untried fraction of the people, nor cancels any existing privileges which the law at present sanctions—that it neither unduly aggrandises, nor unlawfully depresses any order of your citizens. Nor can it be said that the adoption of the ballot involves the necessity of any other special changes, or of any costly machinery to be created for the purpose of carrying it into operation. Seeing, then, that you have no other remedy to propose against mischiefs like the present, I might fairly ask you to try the ballot, were it only as a matter of experiment. If it should fail in curing the evils of which we complain, and disappoint the expectations of its advocates, you can but return to your present system of open voting, and you can do so without being worse off then than you are now. If the trial succeeds, much will be gained; if it fails, nothing will be lost. Sir, I might, without presumption, press for the adoption of the vote by ballot, as a promising and innocuous experiment, even if the reasonings in its favour were less conclusive than they actually are; but I feel that I am entitled to recommend this measure as something better than an experiment, on grounds much stronger and more decisive. I shall not so far dishonour my proposition as to rank it in the category of mere possibilities. I present it with confidence as a certain protection, in so far as political reasonings admit of certainty, against mischief otherwise irremediable. For what is the specific character of this mischief? It is, that intruders from without can work upon an elector's fears, by their power of doing him evil, or withdrawing from him advantage, conditionally upon the way in which his vote is given. You cannot, by any stratagem, rob them of this power, so long as they know the way in which the elector votes. But deprive them of such knowledge, and all the power of disturbing the liberty of the vote is at once extinct. As to secret acts, every man must be his own master; whether he be weak or strong, poor or rich, timid or resolute, he is equally out of the reach of human violence, neither reward nor punishment can attach to him when he has been rendered invisible to those from whom it proceeds. You can no more punish a man for an unseen vote, than you can punish him for his dreams, or for his uncommunicated thoughts. He must be a free and self-determining agent when he votes in solitude, for he can offend nobody by following his own convictions, he can offend nobody by forsaking them. Voting by ballot is only another name for unfettered and unbiassed voting; and when Cicero, in speaking of the ballot at Rome, calls it *Tabella, vindex tacitæ libertatis—the upholder of silent liberty*, he says nothing more than what is accurately and emphatically true. Well then, Sir, when the complaint is, that there exists grievous intimidation at elections, which prevents you from getting at the real sense and sincere feeling of voters, am I not warranted in asserting that the ballot is an antidote precisely applicable, and thoroughly adequate to the urgency of the case? It will be said, perhaps, that strangers, though they cannot see an elector vote, may guess or suspect how he has voted; or the elector himself may be compelled to tell them. True; he may tell, but who is to determine whether he tells the truth? You may compel him to tell you. He may tell you what he dreamt last night, or any other personal matter, unknowable except to himself; but can you have the smallest assurance that his statement is an accurate one, if he has any interest in making it otherwise? Whether the elector tells or not, however, I do not in the least doubt that his vote will be in many cases guessed at or suspected. But why is this? Because his political sentiments are guessed or suspected; and it will be assumed, as a matter of course, when he votes secretly, that his vote follows his real sentiments, whatever they may be. Now this very presumption shows that the ballot is perfectly efficacious towards its proposed end; because it shows that no elector voting in secret, can have any motive for voting contrary to his own real feelings. A man may have enemies on many different grounds, private as well as political; but he can make neither enemies nor friends by means of his votes when votes are taken secretly: no persecution, real or pretended, can ever be made to operate in determining the way in which his vote shall be given. Now, Sir, why is it that men persecute or intimidate electors, as matters stand at present? It is for the express purpose of determining the votes of these electors; for this single purpose, and for no other. They wish to acquire dominion over votes, and they employ intimidation as an instrument for accomplishing this object. Once show them that no dominion over votes can ever be realised, and all their inducement to resort to intimidation is at an end. Surely, Sir, I am not too sanguine in concluding that intimidation itself will die away when it is thus rendered impotent and unprofitable for the acquisition of political influence. Throughout all the records of penal experience there has never yet been discovered any method of suppressing crime so efficacious as that of removing the motive to the perpetration of it, and rendering it no longer conclusive to the interest or ambition of criminals. Sir, I challenge any one to refute this reasoning—I challenge any one to disprove the alliance—the eternal and indissoluble alliance—between secrecy and freedom. We are seeking for a remedy against intimidation, and for protection to the liberty of the honest voter: I contend that the remedy stares us in the face if we do not wilfully avert our eyes from it. If there be any Gentleman to whom intimidation of voters by the mob is an object of genuine abhorrence, and not a mere theme for declamation against the political capacity of the people, I will call upon him to support my present motion. He may assure himself that no mob-united assemblage of people will be able to divert or appropriate to themselves the suffrage of one single unwilling voter when votes are given by ballot. All the price which Gentlemen will have to pay for the accomplishment of this object is, that they must see all other kinds of intimidation banished at the same time. My proposition goes to rescue the political conscience from every species of constraint and tyranny, and to leave to the act of voting what the Constitution promises it shall be—free, indifferent, and spontaneous. I cannot be content with any thing less than the entire emancipation of the voter; and I have this comfort at least, that it is far easier to protect him against all modes of intimidation at once, than to guard him against some of them partially while you leave him still exposed to the rest. The most impartial and comprehensive remedy is, at the same time, the easiest of discovery and the simplest of application. I well recollect, Sir, that when the Committee on bribery and intimidation was appointed last year, the right honourable and learned Gentleman, now Attorney-General, observed that he hoped the appointment of such a Committee would render the ballot unnecessary. I, on the contrary, took the liberty of saying, and I repeat it now, that the ballot affords the only sufficient solution of the important problem confided to the Committee. Indeed, I believe that many of my opponents do not at all dispute the sufficiency of the ballot as a guarantee to liberty of suffrage. They object to it on different grounds; and one objection is even founded on this allegation, that it makes the suffrage too free—that it relieves electors too completely from every kind of external responsibility. The elector (we are sometimes told) holds his franchise for the benefit of the community, and ought to exercise it under responsibility; for which purpose publicity of his vote is essentially necessary. To me, Sir, it seems that this much-extolled responsibility of the elector, is either a phantom—a word without meaning—or else it is nothing but a mask for the precise mischief of intimidation, to be let in and legalised under another name. For to whom is the elector to be responsible? I shall be told that he is to be responsible to the public. But the public, to each individual elector, can be no other than that fraction of the public with whom he is in immediate dealing or communion—his neighbours, or townsmen, or fellow-constituents, who alone take any cognizance of the way in which he votes. Your responsibility therefore comes to this—that an elector is to be rewarded with the good-will of his neighbours if he votes as they approve: he is to be punished with their ill-will if his vote be such as they disapprove. Admit this to be just, and you sanction the principle of intimidation at once. Why, what are the very cases which have been so much complained of in the Irish elections? A Catholic freeholder in an Irish village holds Conservative principles, and wishes to vote for the Conservative candidates; the bulk of his neighbours around him are all Liberals, and it is to them that he is responsible for his vote. The responsibility takes effect against him by the unhappy methods recorded in this Report—by resolutions of exclusive dealing—by a social proscription—a sort of interdiction (if I may be allowed to translate a Latin phrase) from the communion of fire and water. A few miles off, perhaps, you have the case reversed; you find a great Protestant landlord, of Tory principles, surrounded by tenants, many of whom are Catholics and Liberals. Here the only substitute for your imaginary public, the sole enforcer of responsibility, is the landlord, whose tenants are compelled to endure the bitter consequences of his ill-will, unless they prefer his bidding to the dictates of their own consciences. Now, Sir, these are specimens of the identical evils which every one complains of, and which your Committee were directed to devise means of preventing; yet they are the inevitable results, the outward and visible manifestations, of this principle of responsibility of the voter. It really means nothing except liability to evil at the hands of the stronger power—single-headed power, or many-headed power, as the case may be. Sir, if you consider for one moment either the nature of the elective franchise, or the number and interests of the aggregate electoral body, you will find that responsibility in their case is as needless as it is impracticable. For why is responsibility necessary, and how comes it to be practicable in the case of Ministers, and Members of Parliament, and other special functionaries? It is because the smallness of their number gives them an interest of their own, apart from and often hostile to the community at large; it is because this same smallness of their number and conspicuousness of their position, enables the public to keep a steady watch upon them; lastly, it is because the specialty and continuity of their functions also enables the public to judge whether the duties assigned to them are faithfully or negligently discharged. Now, Sir, every one of these three leading circumstances is reversed in the case of the parliamentary electors. In the first place the numbers of parliamentary electors is so large that their interest is identified with the people. As an aggregate body they can have no separate interest of their own. They are, in point of fact, the people themselves in miniature, and on a reduced scale. Their voice is a compendious expression of the voice of the whole nation. Next, this extension of the numbers of electors, which identifies them in feelings and interest with the entire mass of the people, and thus gives you the best possible security for their choosing well if they are left to themselves—this same circumstance, I say, renders it preposterous to talk of them as a body of intermediate agents, responsible to any extraneous and ultimate superior. How idle would it be to pretend to attach any responsibility to an aggregate body of 700,000 or 800,000 persons, and that, too, a scattered, fluctuating, and untraceable multitude. If goodness of election depends upon the responsibility of electors we cannot too soon repeal the Reform Act, and cut down our electors to a select few—for the smaller the constituency the more perfect will responsibility become; nay, the constituency of Old Sarum before the Reform Act presented an example of electoral responsibility exalted to its highest point. Lastly, Sir, I beg to consider what is it that an elector has to do, and then ask yourself how the performance of his task can ever be made the subject of unaccountability to parties without. He has no specific train of duties to perform on which the criticism of the public can fasten; he has only to record his preference, without any reason assigned, between two or more candidates, and the virtue of the process consists in his delivering his judgment genuinely and sincerely—*integro et libero animo*. Now, Sir, I confidently maintain that this is a process which must spring exclusively from the free will and inward conscience of the elector himself. No human supervision can extort from him a true verdict, because no human eye can discern what the true verdict is. If responsibility to the public has any effect upon him at all it will induce him to abandon his own judgment altogether, and vote for that candidate whom he believed to be the favourite of the public; thus violating the most essential obligation of the franchise. Look at it which way you will, Sir, this idea of the responsibility of the electors is a compound of mischief and illusion. The numbers of the body and the nature of the franchise conspire to render it useless to any good purpose, and effectual only in silencing the free and honest expression of individual conscience. Sir, on the former occasion when I brought forward this motion the noble Lord the Member for

Stroud contended that, though the ballot does away with all evil influences over voters, it removes them at the same time out of the reach of all good and improving influences. I may safely challenge the noble Lord, or any one else, to prove that such an effect will flow from it. Surely there can be no good influences except those which operate upon the elector through the medium of his own conscience and conviction — those which he obeys freely and spontaneously, apart from all calculations of future profit or loss to himself. Now, will any portion of such influences as these be enfeebled when the suffrage is rendered secret? Sir, I contend that they will all be left entire and unimpaired. They will be as powerful under the ballot as they are at present; nay, they will be expanded and fostered to a degree much beyond what it is at present practicable. It is against the evil influences, specially and exclusively, that the ballot makes war—against those compulsory influences which determine the vote of an elector, without any reference to his own feelings and conviction—against those appeals to his hopes and fears which vitiate the integrity of the vote altogether. Sir, I am as anxious as the noble lord can be to multiply good influences over voters as much as possible; and I defy him to point out any mode of accomplishing this object half so effectual as secrecy and freedom of the suffrage. The evil influences at elections are now most formidable and triumphant; it is publicity alone which secures to them this triumph; it is publicity which renders thousands of honest voters traitors to their political convictions and to their inward conscience, though it cannot in any case create a sense of public duty in the bosom of the dishonest. Make the suffrage secret, and you banish all these evil influences at once. You leave uncontrolled scope to the gentle ascendancy of persuasion and advice from those who can engage the elector's esteem; you impose upon every one who wishes to obtain a vote the necessity of appealing to the inward reason or feelings of the voter. This is all which public authority can do, and I may add all that public authority need do, to multiply good influence over voters; and this will be assuredly accomplished by means of the vote by ballot. Hitherto, Sir, I have spoken chiefly of the effects of the ballot in extinguishing intimidation over electors. But, perhaps, I shall be told that it will not be equally effectual in preventing bribery. No doubt, Sir, the specific agency of the ballot is against intimidation; but its effect will be important and powerful in checking bribery. It will entirely suppress bribery according to the modes at present practised; it will greatly hamper and discourage bribery under any conceivable form or process; it will render the attempt to bribe, even under the most favourable circumstances, more uncertain, more costly, more difficult, and more hazardous. When the suffrage becomes secret you cannot buy an elector's vote individually and separately; for he cannot sell the certainty of his vote; he can only sell the probability of it; this is the best which he has to offer. He may certainly offer this contingency for sale, if any one will buy it; but what man in his senses will ever pay down the purchase money for a commodity of which there is to be no assured and ostensible delivery? Surely this is a speculation so unpromising and perilous that very few bribers will be at all inclined to embark in it. A good deal of bribery now goes on through indirect channels, and by the agency of friends and partisans of the candidates, and by the help of admission to charities and other descriptions of patronage, as the House will find detailed and illustrated in the evidence of Mr. Visger and Mr. Hudson before the Committee on Intimidation. An elector entitles himself to a share in these good things by constantly voting as a Blue freeman or a Yellow freeman. But how can this condition be certified, or this corrupt traffic continue to be carried on, when votes are taken secretly? But then it will be said, that a candidate may make his bargain with particular voters, agreeing to pay each of them a sum of money conditionally upon his success. In a large constituency I believe that any such bargain would be totally out of the question; I believe that it would not answer the purpose of either party. In a small constituency I shall not deny that such a corrupt agreement might probably be made and acted upon; but, Sir, if this be admitted—if it be admitted that small constituencies carry with them an inherent and incorrigible possibility of corruption—what is the proper inference which follows? Not surely that the ballot is faulty and defective, but that small constituencies are faulty and defective, and that large constituencies alone are trustworthy. Still, Sir, though I subscribe to this argument as an objection against narrow constituencies, I am not afraid to contend that in every constituency, small as well as large, the Ballot will render bribery far more hazardous and deceitful, far more clumsy and inconvenient, than it is at present. In fact the Ballot will go nearer to eradicate bribery altogether than any other measure which could be devised while the suffrage remains public. There is this essential distinction between bribery and intimidation, in both you have two conspirators who confederate against the freedom and purity of election; but in the case of intimidation one of the conspirators is an unwilling agent, and therefore the conspiracy is totally broken up the moment he is left to his own free will. Whereas in the case of bribery both parties are willing agents, in so far as they can trust each other, and, therefore, the same precautions are not so omnipotent to their intended purpose—they serve only, but they do serve most effectually, to disconcert and confound such a conspiracy, by destroying all evidence or certainty of the consummation of the bargain. Whoever thinks that this is doing little let him show me any other plan which will do as much, assuming the publicity of the vote to be preserved. But surely, Sir, my cause would be complete, even if I were to wave all mention of bribery, when it can be shown that the Ballot will effectually extirpate intimidation. Your honest voters cry to you for protection against intimidation—they are men who would spurn the idea of a bribe, or of turning their votes to any corrupt profit—but they do pray to be guarded against wrong, and loss, and oppression in the conscientious exercise of their franchise. A measure is proposed which completely accomplishes this object; and I am really to be told, as a fatal objection to it—"No; we cannot grant you the Ballot; it is true that it does away with intimidation entirely, but there are some distant possibilities of bribery which it leaves not absolutely barred out, and therefore it is not worth our consideration." I must contend, Sir, that this would be the most extraordinary ground of exception ever yet taken to any legislative proposition. Here are two diseases, both of most pernicious working. A remedy lies before you, by which the one may be completely cured, the other greatly abated; yet you cast it contemptuously away because you cannot sweep the country clean of both diseases at once. Let me venture to remind you, Sir, that if it be difficult, as it certainly is difficult, to prevent dishonest voters from playing you false and betraying their trust, if this be the case, I say the more carefully ought you to watch over and cherish the untainted portion of your constituency. Protect them from being dragged into dishonest voting against their own will, by unrighteous violence and compulsion. If you cannot eradicate corrupt disposition universally, at least keep the path of honesty safe and clear for the willing citizen to walk in. I can hardly persuade myself, Sir, that the Legislature will persist in withholding the precautions necessary for this simple, though solemn, purpose. It is my duty to touch upon one or two other objections which I know to be made against the Ballot, and I shall proceed to do so with as much brevity as possible, regretting very much the necessity of troubling the House at so much length. I know that I have to combat a feeling of degradation which some Gentlemen attach to the use of secrecy in any case, or for any purpose. No doubt, Sir, there are numberless cases in which publicity is of unspeakable moment; but reflection will teach us that this rule is far from being universal. What man is there who has not experienced, in the most trying conjunctures of his life, the blessing of confidential communication with a friend, enabling him as it does to procure information or advice, which could never be safely proclaimed to the public? What member of a club is there who does not feel that the harmony and kindly fellowship among the general body is essentially maintained by the secrecy with which voting is carried on? Well, then, Sir, the special point of your consideration is, whether voting at Parliamentary elections is one of those occasions on which secrecy is better or worse than publicity. Now, Sir, perhaps I may be considered as unduly presumptuous; but I challenge any gentleman to point out any one good consequence arising from publicity of votes, or any one bad consequence arising from secrecy of votes at Parliamentary elections. One thing is undeniable—such publicity is in no respect conducive, in many respects injurious, to the main purposes of Parliamentary elections, which is to ascertain exactly and faithfully who it is that possess the confidence of the majority of every constituency.

What profit is gained beyond the satisfaction of vague curiosity by publishing the poll-book with the names of the majority and minority, a record of names often procured as much by forced levies as by voluntary enlistment? Gentlemen, may, perhaps say, that the vote of the superior person must be proclaimed, in order that it may serve as a guide and index to the inferior. There might be something in this reasoning if votes were the only way open to a man of making known his political opinions—but I need not remind you, Sir, that secrecy of voting is perfectly compatible with full publication of opinions by the tongue, or the pen, wherever any man chooses to make his opinions public. If there are, however, as in fact there always are, a certain per centage of voters, who do not choose thus to make proclamation of their political feelings; men, who either from backwardness of temper, or from dependence of position, shrink from open collision with their private friends, neighbours, and patriots—where is the advantage of forcing these men to vote aloud, and thus record themselves as formal partisans, against their own temper and inclination? Sir, I contend there is every disadvantage in putting this constraint upon them; for, by refusing to take their votes quietly and confidentially, you force them to consider, not which is the right side, but which is the strongest side; you incur the risk of deterring them from giving their votes at all; you incur a still greater risk of obtaining from them a spurious vote, instead of a genuine vote. Sir, I look in vain for any one advantage, private or public, derived from publicity of votes; I find no one disadvantage, still more no dishonour, attached to secrecy. His Majesty, in calling a new Parliament wishes to get together a House of Commons possessing the confidence of the people. In order to be sure that he arrived at the truth, he takes the opinion of every separate elector, confidentially, apart from the hearing of any one else. What dishonour can there be in secrecy, when it is only the handmaid of sincerity, the pledge of free speech, as between the voter and the public? I think, Sir, I have some reason to remark, if not to complain, that persons who object to the vote by ballot, overlook constantly the main and direct purpose of Parliamentary election, and fasten their attention upon certain collateral circumstances, which at best can only be taken into consideration, when we have ensured the accomplishment of the primary end. For example, many Gentlemen assail the ballot on the ground, that it enables an elector to promise his vote to one man and give it to another; or to declare that he has voted in one way, when he has really voted in the opposite. Now, Sir, before I examine the real value of this objection, let me first ask what it has to do with the main purpose for which Parliamentary elections take place? That purpose is, to collect faithfully the real sense of the qualified voters as to the choice of representatives. I believe there is no Gentleman of any party who denies that this is the grand aim of Parliamentary elections. Above all things, therefore, it is necessary to insure that this end shall be attained; and if you do not insure it, you may almost as well dispense with elections altogether, involving as they do so much trouble and expense, so much animosity and uneasiness of every kind. Now, such being the acknowledged purpose of elections, I contend that, in discussing the ballot, I am bound to show that secret suffrage is better than open suffrage, as a means of ascertaining the real sense of the voters. My opponents, on the other hand, are bound to disprove it. But do they disprove it? Sir, I contend that not only do they not disprove it, but they do not even approach the question. I have attempted to prove—and I think I have proved—that secret suffrage is absolutely necessary to protect the honest voter in the conscientious discharge of his duty to the public. Do my opponents refute me, and prove the contrary? They do no such thing. They omit altogether the duty of the voter towards the public, and they carry your attention to the private obligation of the voter, as regards some third party; they expatiate on the maintenance of good faith, as between promiser and promisee. I must consider that this is a pure diversion of your attention away from the main point at issue; for the business of the Legislature is, to place an elector on the best and most convenient footing, for discharging the special duty required of him by the public; whether he tells truth, or keeps his promises to third parties, must be left to his own feelings and his own sense of propriety. But, Sir, let us take the objection as it stands, and inquire what it amounts to. The ballot, we are told, will lead to false promises and false declarations on the part of voters. How or why should it produce this effect? Does it command any voter to break his promise? Does it hold out to him any new inducement or reward for breaking his promise? No, nothing of the kind; it merely enjoins him to perform the act of voting without a witness, and thus indirectly enables him to vote either according or contrary to any previous promise, without being found out, if he be inclined to do so. Certainly, the same may be said of every private and solitary act of every man's life; but why are hon. Gentlemen so very much afraid, lest electors who vote by ballot should break their promises the moment they are enabled to do so with impunity? Sir, it is but too well known, that the promise given by a voter is, in a thousand cases, extorted and compulsory; it is a promise neither consonant to his own free will, nor dictated by his own conviction; a promise which he would never have made except to one who took an ungenerous advantage of him, and who possessed the power of inflicting penalty upon him in case of refusal. Now, Sir, promises like these, the offspring originally of importunity and compulsion, will only be sure of observance through the maintenance of the same compulsion; they may probably be infringed, when the ballot has left every voter to his own free will. But the voluntary promises—those which have been freely given, and which carry the heart and feelings of the voter along with them —promises of this kind will never be broken, even though the vote be given in the thickest darkness, and with the fullest sense of impunity. We are told by Milton that

> "Ease will recant
> Vows made in pain as violent and void."

But wherever the vow has not been made in pain—wherever ease has made the vow, ease will keep it also. This, Sir, is the whole amount of the mischief of promise-breaking, and I intreat the attention of the House to it, that none but compulsory promises are in danger of being broken when votes are given secretly. Let me put the question now, what mischief would ensue if these compulsory promises should come to be broken? A voter ought not to make such a promise if it be at variance with his own sentiments and conscience. Granted; but assuming that he has been guilty of the weakness and the wrong of giving such a promise, are we to arrange our system of voting for the express purpose of compelling him to keep it? To do this would be nothing less than seeking to deprive the voter, by our own act, of the means of faithfully discharging his duty to his country—a duty prior to all private agreements with third parties—a duty implied in the very possession and exercise of the franchise. Why, Sir, when the choice lies, as it does in this case, between breaking a wrongful promise and violating the duty which the elector owes to his country, can there be a moment's hesitation which of the two we ought to enforce, and which we ought to condemn—we who sit in this House as the chosen guardians of the public rights and franchise—we who derive our sole title to confidence and authority from presumed purity of election? Let me again bring to your recollection, Sir, the object and aim with which the Committee of last year was constituted. We desire to put down intimidation and to uphold the freedom of the vote. But I affirm that we are playing into the hands of the intimidator, and practically annihilating the freedom of the vote, when we countenance and ratify these compulsory promises. The intimidator begins by compelling a voter to promise; and are we then really to say, "Because you have compelled the man to promise against his will, therefore you have acquired good title to compel him to a vote?" Sir, I say, that this would be no less monstrous in principle than inconsistent with our own resolutions and professions. It would be to guarantee the last stage of tyranny out of respect to the first. Depend upon it, Sir, if you wish to put down intimidation effectually you must use a very different language towards the intimidator. You must render the attainment of his final purpose impracticable. You must show him plainly, that whatever be his power of extorting promises he will not be allowed to retain the smallest power of extorting votes; and you will then prevent these compulsory promises from being ever demanded, when you show that they afford no security for performance. The evil of intimidation, the evil of mendacity, and the evil of promise-breaking, will all disappear at the same time, and before one and the same simple remedy—a free and secret vote. Sir, I am deeply sensible that I have drawn but too largely on the patience of the House; yet, before I sit down, there is one argument which I am obliged briefly to examine, because it is constantly argued as an objection against the vote by ballot. Hon. Gentlemen tell me that the ballot will be fatal to what they call the legitimate influence of property. Now, Sir, I deny this assertion point blank in any defensible meaning which the words "legitimate influence" can be made to bear—in any meaning of the words which a patriot or a freeman can acknowledge. I assert, fearlessly, that under a system of secret voting, the legitimate influence of property will be preserved unimpaired; nay, more, that it will be even exalted beyond what it is at present. There is only one species of influence which the ballot will withdraw from a rich man—it will take away the power of rewarding or punishing electors according to the manner in which they vote. Now, Sir, I would ask, and I hope the question will be plainly answered, whether it be really this power of rewarding or punishing electors which Gentlemen mean when they talk of the "legitimate influence of property?" Does the House intend to recognise in any one citizen of this community — Peer or Commoner, titled or untitled—a legitimate authority to reward or punish electors for their votes? If we do, Sir, the sooner in all consistency we repeal our statutes against bribery the better—the sooner we drop the farce of affecting to condemn intimidation the better. For, what is this privilege of giving to an elector a reward for his vote in plain and unvarnished English, except bribing him? and what is the privilege of punishing him for his vote except a licence of intimidation? But I, Sir, deny the position entirely. I maintain that this influence which arises from the power of rewarding or punishing voters, is repudiated by the law and by the Constitution. I maintain, that a man is no more warranted in employing his legal powers as a landlord for the purpose of seducing and coercing his tenants' votes, than in employing his funded property to distribute among them bribes in hard cash. It is the ancient doctrine of the Constitution that elections ought to be perfectly free, and the ballot can have no other effect than that of realising this strictly constitutional end. But all legitimate influence of property consists fully with freedom of election, and therefore it consists fully with vote by ballot. There is no doubt that wealth and conspicuous station, unless they are coupled with repulsive or contemptible personal qualities, impart great additional weight to the recommendation of their possessor, "bene nummatum decorat Suadela;" his authority is quoted and his example imitated, even by many who have no favour to hope, and no injury to fear from him. His wishes are still further likely to be obeyed if he is the object of gratitude for past favours, or of respect for public usefulness. Now, Sir, here is a very powerful body of influence insured to a rich man unless he forfeit it by his personal demerit. I call it a perfectly legitimate influence, and I call it so not less because it rests partly upon good personal qualities, than because it is gentle and kindly in its working, looking only for open and spontaneous sympathy and grateful obedience, and implying neither violence on the one side nor degradation on the other. It is the triumph and the glory of this legitimate influence of property that the exercise of it is perfectly compatible with entire freedom and secrecy of suffrage—nay, more, that it is exalted and enhanced by freedom of election, most powerfully felt where the suffrage is the most free, where the voter is best protected against everything like compulsion and tyranny. Sir, I have now exhausted, not indeed all that can be said on this important subject, but at least all that the House will bear to hear from me about it, and I have to thank them for the patience with which they have listened. Before I conclude, permit me in a few words to recall to your attention the point on which you are about to decide. Permit me to remind you that I am aiming at no end which is not in the strictest and highest sense constitutional. I am aiming at nothing except the freedom and integrity of the Parliamentary suffrage; a purpose not merely within the limits of the Constitution, but absolutely essential to its workings and vitality—absolutely essential to the attainment of a House of Commons really possessing the confidence of the people, which the Reform Act so emphatically promised to us. Permit me further to call to your remembrance the humiliating fact, that freedom of election, as things stand at present, is in many places little better than a dream and a fiction. Your election arrangements are traversed on all sides by corruption and intimidation; your electors are, in many cases compelled to vote against their real sentiments—in many cases deterred from voting at all. This fact, if indeed it were not already notorious enough, has been publicly and incontestibly certified by the evidence taken before your own Committee, and I venture to warn you, that if, after such overwhelming notoriety of the evil, you remain deaf to all suggestions of a remedy, you will implicate yourself in something little short of the guilt of connivance and participation. Now, Sir, for this acknowledged evil I have ventured to suggest a remedy. Let those who object to it provide a better if they can. All I shall say is, that my ingenuity can discover no other remedy either like or second to it. I propose to you the vote by ballot; a measure simple, specific, easy of introduction, and bearing precisely upon the mischiefs under your consideration. I have endeavoured to show you that the ballot is an antidote complete, unfailing, and all-sufficient, as against the master-evil of intimidation, and that it is the most powerful of all correctives as against bribery. I have proved that it is the only expedient for enabling an honest voter to walk in the path of conscience without serious loss and peril; and that the State can have no security for obtaining what is the primary purpose of election—a genuine and sincere expression of sentiment from the elector—except by taking his vote in secrecy and solitude—

> "Nam veræ voces tum demum pectore ab imo
> Ejiciuntur; et eripitur persona, manet res."

I press upon you the adoption of the ballot, no less as an effectual protection to the honest voter, which he has the fullest right to demand, than as a certificate to the public of the genuineness of all votes, and of the unimpeachable title of all representatives chosen. The hon. Member concluded by moving for leave to bring in a Bill providing that the votes at elections for Members of Parliament be taken secretly by way of Ballot.

Mr. *Leader:* Although I feel that in seconding the motion of my hon. Friend, the Member for London, I have a very difficult task to perform, yet were the task ten times more difficult I should have undertaken it with pleasure and alacrity, because I am convinced that the success of this measure would confer a more valuable and substantial benefit upon the people of this country, than any measure of reform which is at present in agitation; for without free and unbiassed voting at elections you cannot have fair and full representation; and without such representation you cannot have good government. The poor, that is, the comparatively poor and dependent electors (one-half, if not two-thirds of the constituency), complain, and justly do they complain, that the Legislature has given them the shadow instead of the substance—the letter, but not the spirit—the word, but not the deed—the mere resemblance of an elective franchise, and not the elective franchise itself; for it has given to the registered electors the nominal faculty of voting for Members of Parliament, but it has virtually reserved to others the real power, in a majority of cases, of influencing, and compelling and coercing the vote nominally and ostensibly given by the elector himself. Now, there are two kinds of influence; there is, first, the moral influence which a great man, who is also a good man, is certain to obtain over the opinions, the feelings, the very thoughts of his poorer neighbours and dependents; of that influence no man can complain. There is, on the other hand, the immoral influence not gained by goodness; but by strength over weakness, by wealth over poverty, by greatness over dependence, and exercised not with a beneficent desire to advance the welfare of the community, but to augment the power or promote the selfish interests of those who exercise it; such, I regret to say, is the influence too commonly used by the creditor over the debtor—by the rich over the poor—by the great merchant over the small trader—by the landlord over the tenant, by the great and the powerful, in short, over the humble and the weak; to such an extent, indeed, does this system of undue influence prevail in this country, that most landlords appear to think they have as good a right to their tenant's vote as to the rent of their farms. It constantly happens, for instance, that a landlord makes a favour of granting his permission to a candidate, or to a candidate's friend, to canvass his tenants for their votes. As if, forsooth, the candidate would be violating the landlord's property, poaching upon his preserves, if he were to canvass the tenants without the landlord's sanction. Or perhaps the landlord may be opposed in politics (ostensibly, at least) to the candidate, and yet willing from other causes to forward his interest; then we may suppose the candidate, on application for the landlord's vote and interest, to be met with the following answer: "I am sorry that I cannot vote for you myself, that I cannot personally interfere in your behalf, but I will tell you what I can do for you; I give you free permission to canvass all my tenants, I dare say many of them will vote for you." Kind and generous landlord! he condescends to allow the candidate for the votes of the electors to ask those of the electors who may be his tenants what their opinion really is. And yet it is a common form of expression to talk of taking "the sense of the people," while a candidate cannot even ask the people what their opinion is unless their landlord gives him permission to do so. This is clearly stated in the evidence given last year before the Bribery and Intimidation Committee. A witness was asked, "Is it usual before a party canvasses the tenants to ask the landlord's permission to do so? "Yes," was the reply, "and I never knew a Tory give that permission" (to his adversary is of course meant). What says another witness before the same Committee?—"I have known a landlord correspond with a candidate on the subject of the corn laws, and I have known him send a list of the whole of his tenants, and say that he should come with them and vote one way or the other, according to the explanation he received from the candidate." I have known other remarkable circumstances—I will not mention names—but I know the fact of the resident agent of a considerable property, the agent being of a class of political opinion different from the politics of his non-resident master, promising all the votes of the estate to a candidate. I wrote to London to a high family to influence this steward the other way, and the tenants were in consequence all polled contrary to their original promise, through the above agent." Well and justly may the tenants, after this, complain, "that the Legislature has given to them that which to them is not merely of no value, but an injury; for it compels them to go to the poll and tell a moral lie—voting for one man when they feel it a duty to vote for another." Again, Sir, to prove that the votes of tenants are considered to proceed not from their own feelings, or knowledge, or conscience, but from their landlord's mandate, is it not notoriously matter of congratulation among Tories, when a great estate passes by inheritance or purchase, or other means, from a Reformer into the hands of a Tory; and, on the other hand, is it not cause of rejoicing among Reformers when a Tory's estate passes to a Reformer. There is a case in point which occurred only last year. In the western division of Somerset Lord Egremont has a large estate, with a command of, perhaps, 200 or 300 voters. The management of the estate was intrusted to a resident steward; till within a year that steward was a staunch old Whig. I need not inform the House that the tenants always voted for the Whig candidates. Well, last year the good old Whig steward died, and after a short interval another steward was appointed. The new steward is, like his predecessor, a very respectable barrister; but, unlike his predecessor, he is a very decided Tory. He is, indeed, chiefly famous for having been the unsuccessful Tory candidate in several contested elections. His appointment was of course hailed with joy by the Tories of West Somerset. "What a good thing," they exclaimed, "200 or 300 votes taken from those horrid Whigs, and given to us." My hon. Friends, the two Liberal Members for West Somerset, looked rather grave on the subject, even though they had a majority of 1,000 at the last election—these 200 or 300 votes were no trifle. Well, a short time after an old Tory lady, in the same division of Somerset, died, and left her estate to a very decided Reformer. "Good news," said my hon. Friends, the Members for West Somerset, who had looked so grave on the appointment of the Tory steward, "This is some compensation for that unfortunate affair." Now, Sir, these facts clearly prove one thing—that it is looked upon as a matter of course, that whatever the tenant's real opinion may be, his vote should invariably follow the vote of his landlord. I find another instance of this sort of influence in the evidence given before the Bribery and Intimidation Committee. There are, in South Devon, three parishes lying together, called Rattery, Staverton, and Broadhempston. In the parish of Rattery there were twenty-one votes polled at the last election of 1835. Only one was a freeholder, the rest were leaseholders under one and the same landholder, Sir Walter Carew, to whom the whole parish belongs. Now, in the election of 1832, these electors all voted for Mr. Bulteel, the reform candidate. At that election, their landlord, Sir Walter Carew, voted for Mr. Bulteel; but in 1835 they all voted for Mr. Parker, the Conservative candidate, against Lord John Russell. What could possibly have caused this total change? When I tell the House that their landlord, Sir Walter Carew, voted for Mr. Parker, they will not, I am sure, think it necessary to look further for any other cause; but Members opposite may say, as the landlord of Rattery conscientiously changed his opinion, why should not his tenants of Rattery have also conscientiously changed their opinion? There is, fortunately, in the peculiar circumstances of this case a satisfactory answer to that objection. It seems that the farmers of the three parishes of Rattery, Staverton, and Broadhempston, form one class of persons, are a very intelligent set of men, and are in the habit of associating very much together; they are all of them Reformers on principle; and, in 1832, almost all of them voted for the reform candidate; but, in 1835, the farmers of one of the three parishes, that is of Rattery, voted against the reform candidate, while their friends and neighbours, the farmers of Staverton and Broadhempston, voted, as before, almost unanimously, in favour of the reform candidate. What is the secret of this partial change? Why, simply this—that in Rattery the farmers were all under the influence of one landlord, who had changed his mind, whereas the farmers of Staverton and Broadhempston were under little or no influence, and could vote according to their own conscientious opinions. In the same division of Devon, there is a parish called Broadclist. In 1832, nearly all the electors of Broadclist voted for the reform candidate; in 1835, six only voted for the reform candidate, while fifty two voted for the anti-reform candidate. What could be the reason of this great change? Were the farmers terrified by the rapid progress of reform, or were they alarmed with the Tory outcry of "No Popery." No, Sir, there is a much more plain and simple reason for their change of vote—they were all under the influence of one landlord, Sir Thomas Ackland. Now, in 1832, he supported the reform candidate, but in 1835, he opposed the reform candidate. What can be more proper, or more natural, in the existing state of things, than that his tenants should implicitly follow his vote, and change their opinions with the changed opinions of their landlord? I will not weary the House by citing any more instances of this undue influence; let the most incredulous Member look into the evidence given last year before the Bribery and Intimidation Committee, and he must be convinced of the almost universal existence of this immoral and degrading influence. Now if this system is to continue, let us at least get rid of the hypocritical practice of registering the tenants of a great man as so many good votes. Let us act in a straightforward, if not in a just manner. In South Devon, for instance, instead of registering so many farmers and leaseholders on Lord Rolle's estate, as so many distinct and independent votes, let us at once write down in the register—My Lord Rolle, 500 votes, in right of 500 serfs, or villeins, or farmers, or leaseholders—call them what you will, the name signifies little—who must vote as he commands them. Then, on the other side, put down—the Duke of Bedford, so many votes; and so on with all the great landed proprietors. This method, would, under the existing system, have several very good effects—it would save a great deal of trouble to candidates; instead of canvassing a great number of dependent voters, they would have to ask only for the votes of the great proprietors. It would put a stop to the persecution of voters, and thereby prevent much misery and bad feeling. It would have a good moral effect, as it would prevent most of the tyranny and hypocrisy at present in operation; and it would have the good political effect, that the tenants would become indignant at this open insult, though they now endure the injury with the flimsy veil of registration thrown over it; they would then assert their rights, and dare to say that their votes and their consciences were their own, and not their landlords'. In the feudal times the baron was followed to the wars by his tenants—a glittering train of steel-clad men-at-arms: the system is still the same though neither so war-like nor so imposing: now the landlord is followed to the poll by his tenants—a submissive train of coerced electors; and the results in both cases are nearly the same. In old times, the baron who could raise the greatest number of good fighting men attained for himself by their courage and good service, rank, and power, and consequence; in these times, the landlord who can command the greatest number of good voting men is sure, through their votes, to obtain for himself or his family, place, or pension, or patronage; indeed these things can scarcely be attained in any other way. Now what is the consequence of this pernicious and most iniquitous system? Some Members may think it successful, because the immediate apparent consequence is to give more Members to the benches opposite, than they would otherwise have; but the real consequence which must ultimately appear evident to all the world is this, that the gentry of England will raise up a bad feeling against themselves; for in every coerced elector, in every tenant who has been compelled by them or by their agents to vote against his opinion, they will have a secret but a determined enemy; that the rich merchants and manufacturers will find in every coerced workman, in every intimidated tradesman, a secret but determined enemy. I have myself heard the curses and the threats of men who had been compelled by stern necessity to sacrifice their vote to the interest of their children. I have myself heard the son of a voter who had suffered and been half ruined because he would not give a dishonest vote, cursing the author of their misery, and wishing him in his grave. Are these the feelings which the gentry of England desire to produce in the hearts of their fellow-countrymen? They may sneer at curses, they may laugh at threats; trusting to their wealth, and their station, and their power, they may exclaim with the tyrant of old, "Oderint dum metuant;" but the time must come when the people's hate and the people's indignation will make them tremble. I have spoken at such length, and with such warmth on this part of the subject, because I know that the abuse of influence is the great and glaring evil of the present system; whoever has influence exercises it—whether justly or unjustly he never stops to inquire—and so perverted is the public mind on this subject, that most men actually think that they are committing no offence, either against justice or morality, when they are using their influence to compel a dependent to choose between dishonesty and ruin. I come now, Sir, to the question of what the elective franchise really is. Our opponents are continually comparing the responsibility of electors with the responsibility of Judges, Ministers of the Crown, and Members of Parliament. All these persons, they say, are obliged to act openly, and to be responsible for their actions; why should the elector alone be protected, by secrecy, from responsibility to his fellow-citizens? Now this comparison is not a fair one. The Judge is responsible to the community for a fair administration of justice—the Minister is responsible to the Crown and to the country for the fulfilment of his ministerial functions—the Member of Parliament is responsible to his constituents for the discharge of his Parliamentary duties. They have also each of them a still higher responsibility—namely, a responsibility to their own conscience for an upright discharge of their several duties. Now, this is the only responsibility which the elector shares with them, for the Legislature has determined that every man possessing a certain qualification, shall, on the fulfilment of certain conditions, have a right to be registered as an elector; the only duty demanded of him in return is, that he shall fairly and impartially, to the best of his judgment, exercise his faculty of voting. The elective franchise therefore, is not properly a trust, but a right, for the exercise of which an elector is responsible, not to his landlord—not to his neighbours—not to the non-electors—but to his own conscience alone. If, therefore, it is shown that the electors generally cannot freely and conscientiously exercise their right of voting under the present system of open voting, the Legislature is bound to afford them protection in some way or another. If this could be done without the secrecy of ballot, it would be an admirable thing indeed; but if it cannot be done without, then it must be done by means of the ballot; for until the voter can give his vote as he pleases, all (so called) representation is a farce, and it is a mockery to talk of the "sense of the people." Now, Sir, to examine some of the arguments and assertions usually urged against the ballot, as to its being un-English, and calculated to encourage falsehood and hypocrisy; such charges scarcely deserve an answer. I wish, however, to observe, that it is much worse, much more likely to cause falsehood and hypocrisy, and, therefore, I suppose more un-English, to coerce a voter and to make him tell an open lie, than to give him the protection of secrecy, trusting to his sense and conduct, after having voted conscientiously, to parry as he best can the questions and insinuations of those persons who had sought to influence him. But, say our opponents, the ballot would not put an end to either bribery or intimidation. They say, that in small constituencies bribery would, under the ballot, be carried on wholesale. Now, granting for a moment that this argument is worth anything, it is an argument not against the ballot, but against small constituencies. Let, therefore, no constituency consist of less than 1,500 or 2,000 voters, and the richest man in the country would soon find his purse exhausted, and his seat too dearly purchased, even if he could purchase one at all. Again, in what method do our opponents say that bribery under the ballot, in the case of small constituencies, would be carried on? Why, in this manner — that a candidate should promise, if successful, to distribute a certain sum of money among the electors. Now, under the present system it is notorious, that in many places there is bribery on the part of the unsuccessful as well as on the part of the successful candidate. On the very showing, therefore, of our opponents, half the existing bribery would be stopped. The real fact is, that the ballot would very soon put down bribery altogether. With respect to intimidation, in spite of the denial of our opponents, the ballot must have a very good effect, even though it should not prevent some men from occasionally exercising a tyrannous power over their dependents. Under the present system every vote is known, and a landlord may say to his tenants—"If you do not vote as I wish, you shall suffer for it." Under the ballot, every vote would be secretly given; at any rate every vote would not be known. The landlord could then say only—"If I find you out voting against my wishes, you shall suffer for it." But it would be the tenant's own fault if he made public that which he might, if he chose, keep secret. The secret vote by ballot, therefore, would very materially diminish, if it did not altogether destroy, all undue influence and intimidation. Great horror is expressed by our opponents at the prospect of the influence of property being taken away by the ballot. The bad, the immoral influence of mere property, unsupported by character and moral worth, would undoubtedly be diminished; but the good, the moral, the only proper influence of property, in the hands of a good man enjoying a good character for judgment, honesty, and knowledge, far from being diminished, would be vastly increased by the ballot. Not to weary the House with the many arguments on this point which occur to one's memory, I will refer to a statement made before the Bribery and Intimidation Committee. A witness was asked, -"The instant the ballot was established, would there not be on the part of the landlord an entire absence of all canvassing, and of the attempt to make his moral influence felt?—I should say not his moral influence. I say a good landlord, like Sir Thomas Acland, whose moral influence is so good, that, differing with his politics, I should be very much afraid of his moral influence over his tenants; but I do not think it would extend to the extreme it does now. Where the yeomanry are not intelligent, and have no strong political feeling, I think a man would have a great deal of moral influence." "You said just now, a clergyman of mild and amiable character, and exemplary conduct, would have more influence over his parishioners than a clergyman of different habits?" "Certainly." Would not that influence continue with the ballot?"—"Certainly." "So you think that a landlord anxious to exercise political power in his own neighbourhood, would, if his sources and means of (undue) influence were taken away, be more inclined to increase the sources of what you considered his moral influence; that is, that he would take pains to impress his opinions as well as his wishes, upon the minds of his dependants?"—"Certainly." But why pursue this topic further? It must be evident that if you take from men desirous of power the bad means of attaining it, they will sedulously apply themselves to the good means—"a consummation devoutly to be wished." I have quoted the above evidence, partly in support of my position, and partly also as an act of justice to Sir Thomas Acland, whose name I have before mentioned in connexion with influence over tenants. Are there not many laws against bribery? And what is bribery but the undue, the immoral influence of property? And yet in speeches in this House we hear of the horrible injustice that the ballot would bring upon the rich, by depriving property of its influence. Now call the elective franchise a right or a trust, as you please, the duty of an elector is to deliver his genuine and conscientious opinion at the poll, whether it agrees or disagrees with that of other people: any elector, therefore, who, under undue influence, gives a vote against his opinion, is guilty of a breach of public duty; but the man who by undue influence coerces his vote, is doubly guilty; the man that makes another thieve is more guilty than the thief; the man who hires a false witness, is more guilty than the base perjurer; the man who pays an assassin is more guilty than the murderer; and thus the man who makes another vote against his conscience is more guilty than the man who so votes. "What!" exclaim some honourable Members, even on this side of the House, "are the electors insensible to feelings of independence?" Alas, no; they have strong feelings of independence, but they have also a very natural feeling for themselves, for the welfare of their families, for the livelihood of their children. Can we blame them when we see them tempted by gain (call it bribery or head-money as you like) on the one hand, threatened with misery on the other, if they neglect what they may, perhaps, consider in their individual case an unimportant public duty, in order that they may attain, what to them is an all-important, a vital object, that is, the means of securing a livelihood for themselves and their family. "Are you then prepared (say our opponents) to state that the House of Commons is not composed of the real representatives of the people of England?" To that question I answer, that admitting as I do, with gratitude, the great improvement in representation produced by the Reform Bill, I do maintain that this House does not, even now, fairly represent the real feelings of the electors of this country; and that it never will represent them fairly, until the electors generally can, under the protection of the ballot, give an honest and a conscientious vote. Look to the counties especially; are there not many County Members in this House who represent not the great body of the electors according to their honest opinions—but the clergy, the magistracy, and the few great proprietors, whose tenants are compelled to vote against their real opinions. If an example is wanted of undue influence in a populous city, look to the case of Bristol, as stated before the Committee on Bribery and Intimidation; if an example is wanted of undue influence exercised by one great proprietor over the constituency of a small town, look to the case of Ripon, as stated before the same Committee. The abuse is notorious, and the people believe that there is no remedy for it but the ballot. After our opponents have alleged such and similar arguments against the ballot, they at least assert, in order, I suppose, to annihilate at once the ballot and its supporters, that the ballot has failed in France and in America, and that it will not insure secrecy. As to its having failed in those countries, facts give a clear denial to our opponent's assertions. So far from having failed in America, it has admirably answered the end for which it was instituted—that of securing a fair representation of the people. And now that the Americans have clearly established their freedom of choice in elections, the ballot may indeed occasionally be exercised in such a manner as not to enforce secrecy; but the power remains with the electors, and should circumstances ever render such protection necessary to shield them from corruption or intimidation, the secret vote by ballot is in their hands, and to that protection, and to that alone, can can they at all times have recourse. The same thing may be said of France, with thi difference—that as in America the ballot is the guarantee to the Americans for all their rights and liberties, so in France the ballot is the last remnant of free representation yet preserved to Frenchmen—the last protection of the French electors against the corruption, the intimidation, and the tyranny of Government. As to secrecy not being insured by the ballot, all that I ask is this—recognise the principle that every man's vote should be his own and not another man's, that every man should be enabled to vote as he pleases, and protected in the exercise of his elective franchise; but so long as open voting continues, this cannot be effected. Allow my hon. Friend, the Member for London, to introduce his Bill, and I will venture to declare that he will so frame the clauses of the Bill, that he will so regulate the machinery of voting, that in spite of threats and of spies—in spite of public intimidation and of domestic treachery—the vote of the elector must perforce remain a secret to every human being but himself. I have now gone through most of the arguments usually urged against the ballot, but it seems to me that in all these arguments and assertions we have only the professed reasons of our opponents for disliking the ballot. It appears to me that their real reason yet remains behind. I should say that their real *bona fide* reason for opposing the ballot is this, that they know the ballot would take from the wealthy and the powerful their undue influence, and their unjust power, and that it would place the choice of Members (and consequently the chief power in the state) where it ought to be by right, in the hands of the electors. The consequence of this would be, that the rich and the powerful, who wished to administer the affairs of the state, would be compelled to render themselves fit by knowledge, energy, and conduct, to occupy those places which they now habitually hold, not because they are fit to hold them, but because they happen to have inherited a great estate, or to descend from a noble family, or because they have zealously devoted themselves to one or other of the two aristocratic parties. It is acknowledged on all sides that corruption is practised—it is acknowledged that intimidation prevails to an unparalleled extent—it is acknowledged that undue influence is exercised in the most revolting manner—and yet, when we offer you a remedy for all these evils, you reject it. How then can we, how can the people, believe that you are sincere and earnest in your professions, and your declarations against these abuses? In this respect I am more surprised at the opposition offered to us by certain Reformers on this side of the House, than by the Conservative Reformers opposite. The present Ministers know (for they have told us) that they are the representatives of the people, as well as the Ministers of the Crown. They are undoubtedly the most liberal and the most honest, and therefore the most popular Ministers who ever ruled this country. They have generally deserved the confidence of the people, and they have had, and (so long as they go on in the same liberal and honest course) they will continue to have, the support of the popular party in this House. Knowing all this—as they well know it—and being well assured that the great majority of the aristocracy of birth and of wealth—that the bar, the clergy, the magistracy, and the squirearchy are generally against them, and that they are maintained in power by the will of the people alone; why, I say, do they persist in resisting as a Government this measure, which above all others would increase their power—by increasing the people's power and their confidence in Ministers? Why are the friends to ballot now in the Government compelled to oppose us? Why is not this question left rather as an open question, on which each Minister may exercise his own discretion? We know that in the Government there are many friends to the ballot; why, then, are they now prevented from giving their powerful assistance to a measure of which they once were the able supporters? Why are their lips to be closed by the seal of office? I trust that before long the Government, or rather the anti-ballot Members of the Government, will change their course on this question; and if they will not themselves bring it forward as a Government measure, that they will at least leave it as an open question, and allow their colleagues, who are in favour of it, to speak and to vote according to their previously avowed opinions. But whether this or any future Government may assist us or not, it is now a mere question of time. They might, by their assistance, enable us to carry the question rather sooner than we can without them. They may, by their opposition or their indifference, throw some impediment and some delay in our course; but they may rest assured that, before many years have passed, this question must be carried. The people are every year more convinced of its necessity; the people will, at every election, be more urgent in its favour, because they will every year more clearly see the hopelessness of relief without it, and it must ultimately succeed. Public opinion is setting in in favour of the ballot with a steady flow. You may, for a season stop, by your obstacles, the advancing tide; but it must eventually rise above all barriers, and carry you before it with resistless force. I cannot better conclude what I have to say on this subject, than by quoting the words of one of the chief men in the country: although they were not spoken on this question, they are most applicable to it: the words are these—"The great disease of society, the great impediment to quiet government, the great evil of the day, the greatest prevailing abuse at present is, that every one thinks he has a right to employ his influence over another; each practises it, and each exclaims against its practice in a third person. The landlord enforces it on his tenant—the customer over his tradesmen; they force conscience, and they drive persons against their will to the poll, to vote contrary to their own wishes. I say, then, upon whatever side this influence is exercised, it is a cruel tyranny and a gross injustice. I say that it is a great evil; it is one, too, prevailing in a greater degree in this than in any other country, and that in no other country but this, where there is a popular form of government, does it prevail." These are sentiments which would do honour to any man; they are the honest, the manly, the straightforward sentiments of a truly liberal-minded man: they are words spoken only a few weeks past, by the Prime Minister of this country. He is the most popular—yes, Sir, he is still the most popular, and he is still deservedly the most popular Minister who ever governed this country. And as I believe that the welfare of the people is his only object in retaining power, so is their confidence in him the main support of his Administration. I rejoice, therefore, to hear such words uttered by such a man; for I feel assured, that if acted upon, they will tend to increase and to confirm his well-earned and unshaken popularity. To me these words are as a good omen of our future, and not very distant success in carrying this all-important question of the ballot.

Lord *Dalmeny*, in rising to make a few remarks, begged leave to say, that if any speech could induce him to become an advocate for the ballot and the principle of secret voting, it would be the speech of the hon. Member for London. For three successive years that hon. Member had brought forward this motion in a very entertaining and able manner, but as each successive year had only furnished him with additional reasons for believing that the measure was not only one of an impolitic, but of a pernicious nature, the hon. Member must rather attribute his opposition to the nature of the measure itself, than to any want of talent on the part of those who had urged it on their attention. He was not, at the same time, blind to the evils and mischiefs that arose out of the present system. There was no doubt whatever about the disease; the question, therefore, merely regarded the remedy to be applied, and he candidly confessed that he could discover no such remedy in the nostrum of the hon. Member for London; on the contrary, he thought it would lead to those very evils which it affected to cure. Supposing, as the hon. Member anticipated, that the ballot would have the effect of securing the utmost secrecy, of inducing the voter to observe a silence that no power could break, and that even in the expansion of his heart during convivial moments he could not be influenced to disclose his vote—supposing all these improbabilities to be realised, let it be recollected that the principle the hon. Member advocated would strike at once at the root of all responsibility. The very Gentlemen who had been always shouting and agitating for publicity, who preferred that the Exchequer should be impaired rather than that means should not be given to inform the ignorant of everything that occurred, from the debates in Parliament down to the lowest parish squabble—men who had been in the habit of branding every private meeting with the name of "cabal," were now the very men to call most loudly for secrecy at elections. The hon. Member for the City of London had talked of putting an end to the intimidation of voters by the ballot. Now, most certainly the ballot would not have that effect, for if landlords had the power of compelling their tenantry to vote in a particular way, and against their consciences, pray, would they not to an equal degree have the power of compelling them to sacrifice their votes altogether, which could be done, too, without any breach of conscience? Would the landlords, who were now said to be so active in persecution and laborious in oppression, be charmed into subjection by the sound of the ballot? Would their agents, who were now said to be so active amongst the tenantry, totally lose their influence? Would there be no secret inquiries, no *espionnage*, no endeavours to entrap, no bullying in order to extort a confession, or no vigilance to take advantage of evasion on the part of the voter? He had known frequent instances in which voters had refused to declare their intention to the landlord, but at the same time the manner in which they conducted themselves rendered their intention as evident as if they had openly avowed it. He would, therefore, never sanction a measure which would only give protection to a system of tyranny and falsehood, for that must be based upon fraud, the very existence of which depended on secrecy; he would never sanction a measure which would sow dissension between landlord and tenant, and poison all the relations between them. He confessed he preferred the course pursued by those opposed to the ballot, conceiving it to be injurious, to that of those who, though sceptical of its efficiency, would notwithstanding admit of a trial by way of experiment. Now, he detested all mere experiments with the institutions of the country. If the ballot be an improvement, let it be adopted; if it be pernicious, let it be rejected; but let them not be called upon to attempt it by way of a frivolous experiment, in order to satisfy the cravings of idle speculation or still more idle curiosity, and in order to pander to the passions of the multitude. If ever the ballot should pass into a law, one of the first speeches he should have to make in opposition to the hon. Member for London would certainly be in opposing some well-digested scheme for eradicating bribery by increasing the elective franchise. It was well known that bribery took place amongst the lower classes. He did not think the ballot would prevent it, and he thought that system one of a most pernicious nature which made secrecy the guardian of honesty. With regard to the appeals which had been made to extinguish the fine old English system and all those sentiments of loyalty with which it was connected, and to substitute in its place a mean, low, crafty, pusillanimous, and dissembling spirit, which must be infallibly engendered by the ballot —with regard to those appeals to the feelings on that subject, he should leave them to those who should succeed him in the debate, conscious that he had entered sufficiently into the general merits of the question. He should also leave to others the task of showing that the ballot had entirely failed in America, notwithstanding the assertions of the hon. Member for Bridgewater. He had never conversed with an American, or with an Englishman who had resided in that country, conversant with elections, that had not told him that the ballot had proved most ridiculously ineffective, and had completely defeated its own purposes. Let him, then, implore the House not to waste its time on these abstract speculations — let him implore the House to suffer a reform in our institutions to have fair play, to have a fair trial, and not to disturb it by this meddling spirit of innovation, but to betake themselves to those real grievances which now more than ever summoned their attention. Let them at least deal with experience before they plunged into theories.

Dr. *Bowring* said, if the speech of the noble Lord had come from the other side of the House, it would have been more in place than it was, having been delivered on this side. All that was asked by the friends of the ballot was that the experiment should be made, and as an assurance that it would succeed they showed that in the cases in which it had been tried it had never failed. Allusion had been made to America; how had the ballot proceeded there? It was adopted in one of the American States, and found to work so well that it was extended to the others. When he visited the cantons of Switzerland he was told that the ballot had had the effect there of introducing peace into the community, and that it had done more to establish harmony and prevent corruption than any experiment that had been made. It was known generally, and the noble Lord must know, that even amongst his constituents the question of the ballot had made great progress; indeed, he must feel, that if there was any one thing more than another which was calculated to put in peril his situation in that House, it was such a speech as he had made that night, and there never was a question which had made such rapid progress in the public mind as this. It was a question not only of reason but of peace. It tended to remove that tyranny which caused so much misery, and the exercise of that undue influence of wealth which caused so much corruption. Its advocates only desire that the trial should be made, their object being to give the people the opportunity of choosing the representatives they desired to choose. One of the noble Lord's objections to the ballot was that it was un-English. He would maintain, on the contrary, that it was not an un-English principle. The noble Lord knew perfectly well, that in those clubs to which gentlemen belonged, when a question arose as to the admission of a new member the election was conducted on the principle of the ballot, in order that there might be obtained the honest, conscientious, and sincere opinion of those with whom they associated, care being at the same time taken not to put the parties voting in a situation of hostility to those whom they felt conscientiously bound to oppose. What was asked was, that the people of England should be enabled to do what they considered right. If a man was in so independent a situation that he could proclaim his votes to the world without sacrifice, there was no reason why he should not do so; the ballot would not prevent him. But in a country like this, for a few independent to that extent, there were tens of thousands who were not. Let those who wished or who dared to make their votes public proclaim them. There might be some who were high-minded enough to prefer incurring a sacrifice to submitting to vote secretly, and he was disposed to honour the man who was conducted to martyrdom, but he certainly would not help to build up the hill on which the sacrifice was to be made. In his opinion there was no stronger answer to those who objected to the experiment than that it had never been made without success. He wished to avoid the suffering which followed a conscientious discharge of duty, and there was a great deal of such suffering. Much apprehension was entertained of the tyranny of the many; he would guard against the tyranny of the few, for he knew that the tyranny of the few was often exercised to compel the many to do that which they felt to be wrong.

Mr. *Ewart* deprecated the speech of the noble Lord, which was, in his opinion, more distinguished by eloquence of words than by force of argument. The noble Lord begged the question throughout, that fraud and falsehood must be the necessary result of the ballot, whereas its tendency was to prevent both. The noble Lord who had spoken in the course of the evening had said, " Before I consent to your measure I have a right to ask you to show me your machinery." Now, in reply to this part of the noble Lord's speech, he should say that in France the machinery for the purpose of the ballot was as ample and as perfect as possible. In America also it was found to work well, and here, in our clubs and vestries, whenever it was called into exercise it was found to work well. What occasion, then, for the noble Lord to demand an additional contrivance, when the simple machinery already in existence was found to be successful in its operations? To ask for the mechanism of the ballot before the ballot itself was granted, was only an evasion from the real state of the question. In all the cases in which the ballot had been tried, the mechanism had been sufficient to carry it into effect; we have only to sanction the principle demanded by the hon. Member for London; the machinery of the ballot was all ready for their hands, and he (Mr. Ewart) had not the slightest doubt of its success. The noble Lord had spoken much about the responsibility of the voter; but in order to be responsible he must have the means of expressing his opinions freely and without fear of consequences, which he could not do but by the ballot. The noble Lord had also spoken about the publicity of voting. But in his (Mr. Ewart's) judgment opinions, whether in religion or politics, were matters with which the state had no right to intermeddle. Now the exercise of the franchise was governed by opinion, whether true or false, and therefore the state had no right to interfere with it, nor to compel publicity, when the voter thinks he can exercise his franchise better in secret. The noble Lord had asked what security had we that the ballot would work well? To that question, the only answer that could be given was, (as until we have adopted the experiment it would be impossible to speak from our own experience,) that in those countries in which the ballot had been introduced, we find it has put an end to coercion, and the fair inference is that it would work equally well in this country. In this country, of all others, it had ever appeared to him (Mr. Ewart) that the ballot was necessary; for in no country was there so few, compared with the great number of large proprietors. In France the number of small proprietors was several millions; while in England they were confined to some hundred thousands. In this country, therefore, it appeared that the shield of the ballot was much more necessary as a protection against the interference of wealth and power, in the exercise of the elective franchise, than in France where the wider diffusion of property constituted in some degree a guarantee against such interference. In France, it was the Government which prevented the freedom of election; and that not only in the election of the Chamber of Deputies, but in every municipal election down to the election of the lowest public officer in the kingdom. In England, the influence of property in the hands of the large proprietors, worked perniciously to almost an equal extent. Against that influence we are called upon to protect our fellow countrymen in the exercise of their franchise. There were two ways in which protection might be afforded them, by extending the franchise, and by giving them the power of secretly expressing their opinions: by secretly, he meant freely, for unless they had the power of expressing their opinions secretly, they never would express them freely. There were no means so natural, so obvious, so certain, for giving voters the power of freely expressing their opinions as the ballot. For that reason the House was called upon to grant it; for that reason he had taken this opportunity of expressing his opinions in its favour; for that reason he should as he had hitherto done, support it by his vote, and he should continue to do so to the end.

Colonel *Thompson* observed, it had been stated that voting for Members of Parliament was a public trust, and, therefore, it ought not to be exercised in secrecy; but, admitting that the elector was responsible for the way in which he exercised his right, did it follow that he would perform his duty any better for being exposed to the chance of oppression? It was urged that the constitution did not recognise any such practice as secret voting; now, he could state one very remarkable instance that had been pressed upon him from an early period of his life, in which the law actually imposed the restriction of voting in secrecy, and allowed of no other mode of decision. He alluded to the case of military and naval officers, when sitting in courts-martial, having to decide upon the honour, and often upon the life, of their fellow-creatures. Why was that the case? Because it was evidently considered to be the best mode that could be adopted; it was that one of the two plans which would produce the greatest *maximum* of good, and the least *minimum* of evil. Every officer was bound not to disclose the way in which he had voted. There was another instance, in the case of medical officers, who, though not bound by an oath, solemnly declared that they would not publish at any time their own opinions. He thought that would be an excellent precedent to be adopted by the friends of the ballot, because it had this effect—no man would ask the officer how he voted, knowing that he would be immediately replied to in this way—"How can you undertake to ask me my opinion, when you know I have solemnly declared that I will not divulge it?" He thought that principle might be copied into legislation upon the question of the ballot. He saw no reason why a voter should not be made to declare, that he would not expose his vote and opinion. That plan, he thought, would have the effect of preventing that intimidation, and those attempts at intimidation, of which so much complaint was now made.

Mr. *Brodie* said it was very seldom that he troubled the House, and he hoped, therefore, he might be heard on the important question of the ballot. He had a natural aversion to secrecy of all kinds, and his aversion had not been diminished by the observations of a very sensible writer. He said—

"Thus much we may confidently state, that the expedient in question (the ballot) has of late assumed a form, entirely new, as regards its importance. The recent conduct of certain persons has advanced it most rapidly in the good opinion of the country. Those persons alone are answerable for the space which the ballot now fills in the public eye. And if it shall be resorted to, and shall be admitted to be a bad remedy for a worse evil, we have them to thank for making that evil so unbearable that we should have been driven to bear any alternative, rather than endure it longer. To them, assuredly, it is owing, that we are now engaged seriously in discussing what, a year or two ago, we should have deemed hardly worth an argument. The most perfect state of things to give the ballot fair play, but one which it would be absolutely romantic to expect, would be the absolute inaction of all landlords, candidates, canvassers, and committees—the non-existence of all electioneering machinery,—so that not a word should ever be said to any voter, either before, or at, or after the election, upon any one matter relating to it. Under the ballot the probability is, that many who now vote openly would not dare to encounter the suspicion to which they might expose themselves; for that it should become the practice to leave voters to themselves, merely because the elective franchise was exercised in secret, is what no one would expect. Now as to bribery. Bribing to pair off, or to stay away, it is admitted, cannot be reached by the ballot. But for bribing actually to vote, one method is obvious and quite sure of being resorted to. Instead of paying the money for the vote when promised, a bargain will be made to pay it, if the party be elected, and thus every bribed voter will be converted into a zealous partizan. Next, as to the morality of the system. In what way can the ballot protect, or rather, in what way does it profess to protect, the voter, who dreads the displeasure of his landlord, his master, and his customer? Simply by enabling him to promise one way, and vote another, without being found out. Thus the voter's whole life must be so adjusted as to deceive the person, whose vengeance he has reason to dread. Having first deceived him, that he might be allowed to vote, he must go on, keeping up the deception, that he may not be punished for the double offence, the disobedience, and the treachery."

He strictly concurred with the writer of those observations. A voter who wished to be screened by the ballot could never dare to state his political sentiments at any time, or in any place. Should he state them at home, in his own house, he might be betrayed—unintentionally, no doubt; yet he might be betrayed, even by the members of his own family. At the tavern and at the public-house—he would have a still greater risk to encounter. At no political meeting—at no political dinner, even, would he dare to show his face: to no petition to Parliament would he dare to put his signature. To this condition, then, would the free-born Englishman be reduced; and after all, probably, he would not be able to keep his secret. These were very strong objections to the ballot, nevertheless, he should not vote against the question. He would not vote at all. He knew that intimidation had taken place and he said shame on those who had been guilty of it, particularly if they belonged to the Liberal party. They at least, ought to respect the feelings of the people; their actions ought to correspond with their thousand-times repeated declarations. Let all parties treat the people with kindness, and then our sacred institutions would last for ever! Treat them with scorn—treat them with contempt—oppress and persecute the people—and it would require no very extraordinary spirit of prophecy to predict, that England would shortly become the abode of misery and desolation. Her sacred institutions would totter, like broken columns in the melancholy waste —an awful, though then useless warning to future generations. He agreed with the noble Lord, the Member for Stroud, as he had expressed himself in an able, eloquent, and argumentative speech, at Honiton, in the month of January, 1835. The noble Lord, speaking on the question of the Ballot, said

> "My objection to the ballot is, that secret voting gives to the electors irresponsible power. All other authorities are exercised in the light of day, and subject to public opinion. Our parliamentary discussions are open to the world—the voters alone are to exercise their power unseen and irresponsible. I am sensible (no man more so) of the progress which the question of ballot has made; nor will I deny that, as an ultimate remedy, we may be obliged to adopt it; but let us first exhaust every other. If, by the force of public opinion and public shame—if by rigid investigation and exemplary punishment,—we can find means to check intimidation and corruption, let those means be fully tried. Nay, more, let all hope of a remedy by those means be terminated, before we agree to a change, at variance with our ancient habits, inconsistent with our best institutions, and degrading to our national spirit."

These were the sentiments of the noble Lord, in January, 1835, and he had reason to believe that those sentiments remained unaltered. He was aware of the disease under which the country laboured, but he must be fully satisfied that it was quite incurable, before he could consent to vote for so desperate a remedy as the ballot. He could not therefore vote for the motion, but being convinced that the existence of many evils had been proved, he would not vote against the Bill.

Mr. *Villiers*: It is sometimes, Sir, difficult to explain the reasons upon which a vote is founded. The hon. Member who has just sat down seems to be conversant with all the evils for which the ballot is proposed as a remedy: he speaks of them from experience and from observation. But he brings down to this House a letter, containing what he calls such eloquent and powerful arguments against the ballot, that he is determined to vote in opposition to his own experience—in opposition to that which he himself admits must ultimately be the remedy of those evils which he has stated at present exist. The only argument contained in that letter is, that it might be possible if the ballot were granted for a man to promise his vote to a certain party, and afterwards be induced to break his promise and vote another way, a proceeding which he calls disgraceful to a free-born Englishman. And he followed that up by telling us, that he has seen oppression and tyranny exercised against the voters—he has seen them dragged up to vote against their conscientious convictions; and yet he tells us, that lest a man should promise his vote to one party and give it to another, he will vote against the ballot. I tell him, that I believe one of the first and most important advantages of the ballot will be, that it will put an end to all canvassing for votes, because every man will feel it useless to canvass; and therefore that most shocking event, of a man's promising his vote one way and giving it another, will never occur. Considering the great importance of this question, I own I am astonished that Gentlemen opposite, who are about to record their votes against this measure, do not think fit to give us any arguments against it. I am inclined to think, however, that they are wise in not doing so; for of all questions which can be discussed this is the least exposed to objections of any I know. The noble Lord, however, who spoke early in this debate, has not followed this wise example; and, so far from having any thing to advance against the ballot, he seemed rather to confirm all its friends in its favour. I own, that after the high and just eulogium which he passed on the speech of my hon. Friend, the Member for London, I was prepared to hear an answer to that speech. But I was surprised to find that he admitted all the evils which the hon. Member urged against the present system, and only contended that the remedy he proposed was not the one which should be applied. Well, I was then prepared to hear from the noble Lord an explanation of what he did consider a proper remedy. But he left that question quite untouched; and never attempted to show us, after admitting all the evils which are alleged against the existing system, what is the remedy which ought to be applied. I own, indeed, he said he would vote for a resolution declaring bribery to be a high crime, and that it ought to be prevented. But still, the question remains in this state: the opponents of the ballot admit all the evils which the friends of the ballot urge against the present system, but can devise no remedy by which those evils may be removed. The noble Lord contended, that responsibility should be preserved wherever a trust is granted. Why, Sir, I really thought the noble Lord had been attending to the speech of my hon. Friend, the Member for London. But it seems he expected an able speech, (and it was an able speech,) and therefore, though he passed a deserved eulogy upon it, he took care to leave its arguments untouched. For, had he attended to that speech, he would have heard my hon. Friend expressly allude to the argument of responsibility. Responsibility, to whom? I suppose to the non-electors. But the noble Lord, in his argument against universal suffrage, which he said would be the first result of the establishment of the ballot, contended that by universal suffrage you would extend the franchise to the lowest and most worthless of the population. And yet these are the persons to whom he calls upon us to leave the electors of this country responsible! The fact is, the electors have confidence reposed in them, in having the franchise conferred upon them, because they are believed to be fitted to exercise that franchise, and to justify that confidence. Now, if the non-electors are so fitted, why not give them the franchise? If not, how can they be qualified to judge of those who are? I have taken the liberty of speaking upon this occasion, because I know the great interest which is taken on this question by my constituents—a great number of whom are operatives and mechanics—who call upon me to advocate the ballot, as a question of the enjoyment of the franchise itself. When I first solicited their suffrages, they had had but one opportunity of exercising their franchise. But I found many who refused to repeat the exercise of their right; because, in consequence of the conduct that had been pursued towards them, they were afraid, without some protection, to vote according to their judgment. And I found many who told me, that they could not sacrifice their interest for the sake of their opinions; they would not vote against their conscientious convictions, but they dared not exercise the right which the Constitution of their country recognised in them, and which the Legislature had vainly conferred upon them. I must say, Sir, I think the opponents of the ballot would take a more manly and a more open course, by resisting the ballot on the ground of the unfitness of the people to exercise the electoral franchise, than by assigning reasons which are not the real grounds of their opposition. I cast no reflections upon the Government: I am rather disposed to make an excuse for them. I know there exists a great prejudice against the ballot in some minds; I know that many of their supporters are against it. It may be a question, however, whether a person should take office, if he has to suspend the expression of his real opinion. This, at the same time, I feel to be a question between them and their constituents; and if their constituents are contented to send persons here who do not represent their opinions, it is not for me to complain. I wish the opponents of the ballot would consider, what reason have they for distrusting the people in the exercise of their franchise? I ask, when have they abused their power? when have our constituents instructed their representatives to advocate measures hostile to the peace of society—measures injurious to the institutions of their country—at least, to what is estimable in those institutions? We have for the last twenty years had a party in this House, who are ever ready to oppose any measure having a tendency to extend the power of the people. We have had repeated predictions, that from any extension of the power of the people, something will happen. Those predictions have been ever falsified. Notwithstanding all these gloomy forebodings, this country is still in a state of greater prosperity than history can produce any instance of—we have greater tranquillity and order than at any former period, and as a proof of this, among the most timid of all interests, the commercial, there is a greater sense of security than ever existed before. And yet this is also a period at which the institutions of this country are more under popular control, in which there is a greater freedom of speech, and more unrestricted liberty in the expression of opinions, than at any previous stage of our history. Not only is there in our experience no ground for alarm from the extension of popular principles, but I will say, that in no country is there a more industrious, steady, peace-loving population than the population of this country at the present time. In no country are the people more disposed to confide in those above them, more ready to bow to superior worth and intellect, wherever it is found—in no country in the world is there a more superstitious reverence for their ancient institutions. I say, these are all important considerations, in regard to the measure of confidence which you are justified in reposing in a people, when I call upon you to extend to that people a protection in the exercise of that right which you admit they ought to, but which I say they cannot, exercise freely without that protection. What excuse then can you find for not extending to them that protection? We are not particular in insisting upon the ballot alone, but we ask you to devise a remedy which will accomplish our common object; and is it too much to ask, (unless indeed you are prepared to contend that the people should not exercise their rights freely,) that when you refuse us the ballot you will devise something better? But you say, "the ballot has evil tendencies." Now, first I deny that those evil tendencies do exist, and next, I say that, admitting they do exist, your argument goes for nothing, unless you prove that the evils consequent on the adoption of the ballot are greater than those which at present exist; for it is but to assert a truism to say, that to any human institution evils may or do attach. But I believe there are great moral advantages which will result from the ballot. I believe it will improve the character both of our candidates and our constituency. It will teach the candidate that he must earn the good opinion of the constituency in order to obtain their votes, for he will find, that a very different species of qualification is now required for a Member of Parliament to what used to exist. He will find that the head, rather than the head-money is looked to. And it will improve the constituency, for when they are secure in the discharge of their duty, they will be much more likely to discharge it than at present. I am aware it has been said, that even if the ballot were to be established it would not put an end to, but rather increase, the evils at present existing, because it would only excite a great deal of ingenuity in order to extract from a man, or from his nearest relatives, the manner in which he voted, and that it would in short originate a vast machinery for the collecting of information of this kind. But how does this prove the extent to which the evils which the ballot is intended to prevent are carried now! It shows that these evils exist to such an extent, that man will have recourse to such despicable expedients rather than to vote with them. And this only proves more strongly the necessity of some remedy. After all, if there is any one not yet convinced in favour of the ballot the process of conversion is easy, for he has only to take all the arguments used from time to time by its opponents, and they so perfectly answer and confute each other that they alone must be sufficient, I think, to convince any person. I myself sat on a Committee to try a petition against a return that had taken place on an election in the city of York, where so much bribery on the one side, and so much intimidation on the other, prevailed, that the Committee were obliged to declare that, under the continuance of such a system, it was impossible to have a free election. I was applied to by some of the electors to bring in a Bill to establish vote by Ballot in the city of York, and I refused to do so, simply lest I should appear to be a party to a conclusion that the ballot applied to the city of York in particular, and was not suited to the country in general. The case of the city of York is only one among the numerous instances in which parties have applied to this House for the protection of the ballot in the exercise of their franchise. And I do say, that, before you refuse it, you are bound to show, that there is a better remedy to be applied to the evils that now exist. I cordially support the motion, because I believe there is no danger in trusting the people in the free exercise of their elective franchise, because the protections at present to free exercise are not adequate, and because I believe the ballot to be the only effectual means for accomplishing that object.

Mr. *William Roche* said, that analysed as the subject had been, both during the present and former debates, he rose but to express a few observations in support of the decidedly favourable view he entertained of the motion—that he knew not any measure, more calculated to produce unmixed good to society, or one, more congenial to the spirit, the interests, and calm procedure of our constitutional rights, than vote by ballot—Session after Session we are piling, Sir, statutes upon statutes to repress and punish corruption and intimidation, but without effect, which the reprehensible scenes brought to light on every general election, and on no occasion more conspicuously and painfully than the last, amply demonstrate—when too, the time of the House was so engaged, and its character so affected by the proceedings then exhibited before the Election Committees—and why, Sir, did those statutes and their penal enactments fail of effect, but because we never reached, or extirpated the root of the evil, by adopting a secret system of voting; for where temptation and opportunity are held out to the human mind, the hope of escape from detection overrules the dread of discovery and punishment; but take away the confidence which generates that temptation, and the evil dies a natural death. That he was not, however, so sanguine as to say that every and complete advantage would at once be obtained, because he knew that corruptionists and intimidators would make a struggle to mar its advantages, but that it would be a dying struggle, for they would soon see that they threw away their money and their threats, and therefore, ere long, fall into (of necessity) the general feelings and wishes of the community. He was, he said, as anxious to put down popular coercion and tyranny, as the tyranny of the landlord, or any other undue influence; and the value of this measure consisted in producing this equal and general freedom from restraint—that he himself during his elections experienced the disadvantage of the present intimidating system, for several persons told him they were unwilling to register their votes, at all, lest they should bring upon themselves the anger of the landlord, or some such master; indeed, he considered that without the protection of ballot, it was, in many instances, quite a cruelty to give the franchise, for many, very many, experience disaster and ruin to themselves, and their families, by voting against the wishes of their superiors, but in accordance with their own feelings and their country's interests—that he was quite sure, that even before we enjoyed the whole and perfect advantages derivable from this measure, we should open our eyes to its benefits and look back with surprise, why we resisted or delayed it so long; and he was confident, that the opponents themselves would soon experience the quiet and happiness which the *not* interfering with the franchise of their dependants (beyond that of advice and recommendation, a moral influence which must always last) would produce, by removing so ample and worrying a source of discord between themselves and those dependants—that under these views, the motion should have his warmest support.

Mr. *Robinson* did not agree with the hon. Member for Wolverhampton, that the ballot would be any improvement of the elective franchise, and, therefore, he should oppose it now, as he always had done before. He wished to ask what evidence there was of a desire on the part of the people for vote by ballot? Did it appear in the number of their petitions for it? No. And there was another indication of the apathy which prevailed upon this question, in the fact, that on the very first night the hon. Member for the City of London was to have brought forward his motion, there were no hon. Members in the House to support him, nor, indeed, he believed, was the hon. Member present himself. He represented a very large constituency, and although he was free to admit, that among them there were some persons in favour of the ballot, and that they had solicited him to vote for it, he could not possibly avoid stating that an immense majority, including the humbler classes, were not in favour of it, or at least, had not expressed their anxiety about it at all. He doubted that the ballot would put an end to bribery, as the hon. Gentlemen on the opposite benches expected; there might be less temptation for persons to hold out a bribe, where there was a chance of being deceived, but as long as receivers and payers of money existed, bribery could not be entirely prevented. It would be quite as reasonable for the Members of that House to ask to vote by ballot, as it was for their constituents to require it. Was not every hon. Member placed in that situation when they were called upon to vote, either one way or the other, upon a question which made them very naturally wish they could vote by ballot? He was only stating that which could not be denied,—that hon. Members were often called upon to vote contrary to the wish of their constituents, and that they would therefore be glad to vote by ballot. He would therefore say, that they had a right to ask their constituencies, if they wished for ballot, to allow them to vote in the House by ballot. He recollected that a deputation from some of his constituents once waited upon him and declared, that they could not support him unless he would promise to vote for the ballot. He told them, he was not disposed to give such a promise, and would rather lose his seat. What was the consequence? Every one of them voted for him. There was something revolting in the idea of exercising a public trust, in a secret manner. He had never asked one of his independent constituents to give a vote contrary to his conscience; for he believed the best security for both candidate and constituent, was in public opinion. He denied that the poor only desired the ballot; there was another class of persons who were much more anxious for it—those who wished for it in order to have an opportunity of deceiving both parties, when they pleased. Considering, then, that corruption at elections, would not be removed by the ballot, he should oppose the motion.

The House divided, Ayes 88; Noes 139;—Majority 51.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Baldwin, Dr.
Ball, N.
Barnard, E. G.
Bewes, T.
Biddulph, R.
Blake, M. J.
Blunt, Sir C.
Bodkin, J. J.
Bowring, Dr.
Brady, D. C.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Butler, Hon. P.
Codrington, Admiral
Crawford, W. S.
Crawley, S.
D'Eyncourt, rt. hon. C. T.
Duncombe, T.
Dundas, hon. J. C.
Dundas, J. Deans
Ewart, W.
Finn, W. F.
Fitzsimon, N.
Fort, J.
Gaskell, D.
Guest, J. J.
Hardy, J.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hindley, C.
Hodges, T. L.
Horsman, E.
Hume, J.
Humphrey, J.
Lister, E. C.
Mangles, J.
Marshall, W.
Marsland, H.
Molesworth, Sir W.
Mullins, F. W.
Musgrave, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Palmer, Gen.
Parrot, J.
Pattison, J.
Pease, J.
Phillips, M.
Power, J.
Roche, W.
Roche, D.
Rundle, J.
Russell, Lord C.
Sheil, R. L.
Smith, B.
Strutt, E.
Talfourd, Mr. Serg.
Tancred, H. W.
Thompson, Col.
Thorneley, T.
Trelawny, Sir W.
Tulk, C. A.
Turner, W.
Villiers, C. P,
Wakley, T.
Walker, C. A.
Walker, R.
Warburton, H.
Ward, Henry George
Wason, Rigby
Whalley, Sir S.
Wigney, Isaac N.
Wilde, Mr. Sergeant
Williams, Wm.
Williams, W. A.
Wood, Mr. Alderman
Woulfe, Mr. Sergeant

TELLERS.

Mr. Grote
Mr. Leader.

List of the NOES.

Adam, Sir C.
Alsager, Captain
Angerstein, J.
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Attwood, M.
Bailey, J.
Baillie, H. D.
Barclay, D.
Barclay, C.
Bateson, Sir R.
Beckett, rt. hon. Sir J.
Benet, J.
Bethell, R.
Blackstone, W. S.
Blamire, W.
Bolling, Wm.
Bonham, R. Francis
Bramston, T. W.
Brudenell, Lord
Bruen, F.
Burrell, Sir C.
Campbell, Sir J.
Cayley, E. S.
Chichester, A.
Clerk, Sir G.
Cole, Viscount
Cooper, Hon. W. F.
Crawford, W.
Cripps, J.
Damer, G. L. D.
Davenport, J.
Denison, W. L.
Dick, Q.
Dillwyn, L. W.
Donkin, Sir R.
Duffield, Thomas
Dunbar, George
Duncombe, hon. W.
Dundas, hon. T.
East, James Buller
Eastnor, Viscount
Eaton, Richard J.
Egerton, Wm. Tatton
Egerton, Sir P.
Egerton, Lord Fran.
Elley, Sir J.
Elwes, J. P.
Entwisle, John
Feilden, W.
Ferguson, Sir R. A.
Follett, Sir W.
Forbes, William
Forster, C. S.
French, F.
Gaskell, J. Milnes
Gladstone, Wm. E.
Gordon, hon. W.
Goring, H. D.
Goulburn, rt. hon. H.
Greene, Thomas
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Halse, James
Hamilton, G. A.
Hay, Sir J., bart.
Hayes, Sir E. S., bt.
Hobhouse, rt. hon. Sir J.
Hogg, James Weir
Holland, E.
Hope, J.
Howick, Lord Vis.
Ingham, R.
Irton, Samuel
Jackson, Sergeant
Jephson, C. D. O.
Johnstone, J. J. H.
Jones, W.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Law, hon. C. E.
Lawson, Andrew
Lefroy, Anthony
Lefroy, right hon. T.
Lennox, Lord G.
Lewis, D.
Longfield, R.
Marjoribanks, S.
Moreton, hon. A. H.
Nicholl, Dr.
North, Frederick
Owen, Hugh O.
Palmerston, Lord
Penruddock, J. H.
Perceval, Colonel
Phillipps, Charles M.
Plumptre, J. P.
Pollen, Sir J., W.
Poulter, John S
Praed, James B.
Praed, W. M.
Price, S. G.

Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, J.
Rickford, W.
Robinson, G. R.
Ross, Charles
Rushbrook, Colonel
Russell, C.
Russell, Lord John
Scott, Sir E. D.
Scourfield, W. H.
Shaw, rt. hon. F.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord E.
Spry, Sir S. T.
Stanley, Edward
Sturt, Henry Chas.
Surrey, Earl of
Trevor, hon. Arthur
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B., bart.
Vernon, Granville H.
Vesey, hon. Thomas
Vyvyan, Sir R.
Walpole, Lord
Walter, John
West, J. B.
Weyland, Major
Wortley, hon. J. S.
Wyndham, W.
Young, G. F.
Young, J.

TELLERS.

Dalmeney, Lord
Maule, Mr. F.

Paired off.

FOR.	AGAINST.
C. J. K. Tynte	P. M. Stewart
Sir R. Nagle	Hon. R. Clive
H. Bridgman	Thomas A. Smith
Sir R. Musgrave	Lord Clive
E. S. Ruthven	Lord Darlington
M. L. Chapman	Sir H. Williamson
A. H. Lynch	Thomas Gladstone
Henry Grattan	J. E. Denison
W. Clay	Charles W. Wynn
J H. Talbot	E. B. Clive
W. D. Gillon	Robert Palmer
Sir R. Ferguson	Sir H. Hardinge
Colonel G. Langton	W. Long
G. Evans	R. Howard
Hedworth Lambton	R. Alston
J. Blackburne	W. C. Harland
General Sharpe	Charles Wood
Charles Lushington	G. J. Heathcote
Daniel Callaghan	Sergeant Goulburn
William Tooke	Sir M. S. Stewart
R. Otway Cave	N. Fazakerley
Sir W. Brabazon	Arthur Cole
J. Bagshaw	Sir John Wrottesley
Howard Elphinstone	J. F. Fector
Thomas Bish	Sir R. Peel
H. L. Bulwer	F. Baring

THE FACTORY ACT.] Mr. Hindley moved for leave to bring in a Bill to amend the present Factory Act.

Mr. *Labouchere* observed, that the feeling of the House had on many occasions been expressed in a manner unfavourable to any further experiment with regard to the existing law upon the subject. It appeared to be the general sentiment of hon. Members, that the present Act had not yet had a fair trial, and he thought, under existing circumstances, if any new measure were introduced, it would be productive of great excitement in the manufacturing districts, and very serious inconvenience.

Lord *Ashley* should be always ready to support any general measure of the kind which the hon. Mover was known to advocate, though he thought the present a most unfavourable time for bringing forward a proposition of the sort, and had done all in his power to dissuade the hon. Gentleman opposite from making such a motion. Still, if the House gave leave to bring in a Bill, the measure proposed should have his most cordial support.

Mr. *Wason* was understood to say, it had been agreed on all sides, that the present state of the law required alteration.

Mr. *Young* hoped the hon. Gentleman would not injure the cause he advocated by pressing the present motion.

Sir *John Hobhouse* recommended postponement till next Session.

Mr. *Hindley* contended, that the motion he had just made for leave to bring in a Bill, was perfectly consistent with what he had previously done upon this subject. He complained, that the friends of the factory children had been on several occasions charged with all the ill consequences arising from the Act; and even His Majesty's Government had not scrupled to lend themselves to the accusation, but as it was most unfounded, he hoped it would be withdrawn. If it were given up, he should have no objection to withdraw his motion. Government ought to take the responsibility of the measure upon themselves.

Mr. *Goulburn* requested the hon. Mover not to press the present proposition, for it could be brought to no successful issue in the present Session.

Lord *Francis Egerton* concurred with the last speaker, and joined with him in requesting a postponement of the motion.

Lord *John Russell* said, that His Majesty's Government were not responsible for the enactments of the Bill: it was an act of the Parliament, and Ministers were now only responsible for the manner in which it might be carried into effect. He certainly had taken steps towards its enforcement, but he submitted, that what had occurred did by no means impose upon the Government the least obligation now to bring forward any proposition on the subject.

Mr. Hindley would withdraw his motion, but he should be at all times the supporter of a ten hours' Bill.

COURT OF SESSION (SCOTLAND)]. The Lord Advocate moved for leave to bring in a Bill for the better regulation of the office of auditor of accounts in the Court of Session, in Scotland, and for the appointment of two accountants-general in the said Court.

Sir *William Rae* objected to the motion, as the Bill would create two new offices, without any necessity for it. This Bill, or at least one very like it, made its appearance last Session; and it was then proposed that one office should be created of one accountant-general for Scotland; but the feeling of the country against it was so strong, that the learned Lord felt himself quite unable to proceed with the measure, without the recommendation of a Committee. A Committee was accordingly obtained; and he could not deny that the Report of that Committee was, to a certain extent, favourable to the measure now proposed by the learned Lord. The evil which wanted a remedy consisted of this—the Court of Session had the power, when it was applied to on behalf of infants and insane persons, to appoint factors or curators to take care of their estates, and the practice was, to oblige them to find security for their good behaviour in the office to which they were appointed. That was all they were bound to do; but that duty had been neglected, and the estates had, in some instances, suffered a good deal. Now, to remedy this evil, the learned Lord proposed to create two new officers. But why should not the Clerks of Session in Scotland perform the duty, receiving, as they did, a salary of 1,000*l.* a year, as he might say, for doing nothing, because all their duty was to mark down the terms of the decisions of the Courts. There were four gentlemen who held these offices, and looking at this fact, he would say, that the House ought not to listen for a moment to the proposition of the learned Lord. It ought also to be remembered, that this was the 23d day of June, a period which he considered too late in the Session to bring forward a measure of this nature. On these grounds he should certainly take the sense of the House on the subject.

Mr. *Hume* wished to ask the learned Lord to explain how it was that the reform which was recommended by the House two years ago, with regard to the Court of Exchequer in Scotland, had not been carried into effect. He had heard that it had not, and before new expenses were incurred, he wished to know why the charge of that department in Scotland had not been abolished.

The *Lord Advocate* was quite willing that as rigid an examination as could be instituted, should be directed to every measure which he proposed, but then he did say, that if he showed that the measure was consistent with public economy, and necessary for the protection of the property of orphans and others, it ought not to be delayed, except on grounds applicable to that measure alone. With reference to what had been stated by his right hon. Friend about the creation of new offices, in which he seemed to imply, that the creation of the office was for a particular individual, he denied it, and he challenged him to name any person who had had the smallest promise from him (the Lord Advocate) with respect to that office—nay, he doubted whether any individual he had in his contemplation would accept of that office. But there was a charge made by his right hon. Friend, with regard to the conduct of the Court of Session. He said, that they were deficient in their duty, and that this deficiency had been going on for a long period. Now this was a very serious charge, that they had deserted their duty in regard to giving protection to orphans, and indeed a more serious charge could hardly be brought against a court of justice. But, in his opinion, if one officer were appointed for that express purpose, and if the proposition of his right hon. Friend were carried into effect, the same defective system of which he complained would prevail, and that was the reason why he proposed to appoint two officers. His right hon. Friend said, that those duties might be discharged by the Clerks of the Court of Session, but he apprehended they could not, because it was their duty to be in Court at the very time when those inquiries were going on. His right hon. Friend seemed also to be of opinion, that there was an unnecessary number of Clerks of Session. If he could make out a case to prove that the number was too great, then he (the Lord Advocate) would not be against a proper reduction; but the remonstrances he had received from the Court of Session were to the effect, that he cut down too much, and he was therefore placed in a very peculiar situation. There was only another question upon which he had to touch, and that was the late period of the Session at which this Bill was sought to be introduced. In reply to that, he must observe, that after this period many Bills had been introduced, and this measure had not been brought forward earlier, because, in consequence of the great number of Bills relating to Scotland, which had been brought forward at a former period of the Session, he was afraid it would not meet with the attention of the House.

Sir *George Clerk* contended, that the Courts of Session were sufficiently large to undertake the duty, without creating two new offices. He apprehended that the House would require more evidence than that which had been given by the Lord Advocate, before they would be persuaded to create two new offices, when it had been shown that there were ample means in the established courts of justice to effect the purposes which it was the professed object of the Bill to accomplish. With regard to the Clerks of Session, one of these four gentlemen was the professor of Scotch law in one of the universities, and was at the head of the commission appointed to inquire into the state of the law, and he had not yet heard that that gentleman did not amply perform all the duties required of him as a clerk of the Court of Session. There was another of those gentlemen who was placed at the head of another of those numerous commissions appointed by the present Government, and another who was deputy registrar, and had the charge of all the public records, and yet he never heard that the performance of this duty interfered with his duties as a Clerk of the Session. Now, it was quite clear from the easy nature of their duties, that the Clerks of the Session might very well undertake the auditing of the accounts of the factors, of minors and insane persons' estates, and they would have plenty of time; for, in addition to the time the Court was sitting, they would have the whole vacation, which was six months. The Lord Advocate had stated that the salaries of these new officers were to be raised out of fees paid by litigants; but why saddle them with this expense, when the Clerks of Session had a salary sufficiently large for the duties they would have to discharge? Under these circumstances he should give his most cordial support to his right hon. Friend in his opposition to this Bill.

Mr. *Wallace* thought it was a pity that hon. Gentlemen opposite, who now appeared so anxiousfor reform, had not done something to prove their sincerity when they were in office. However, all was well that ended well, and he should therefore now address himself to the question. As to the Clerks of Session, they were not competent to do the duty, and no wonder, for the intention in appointing them was, to give to several men a sort of sinecure. He agreed with the right hon. Baronet in thinking the composition of the Court of Session and the way in which it discharged its duty unsatisfactory, and he would add the word "disgraceful." The Supreme Court of Session only sat two hours and two minutes for five days in the week for 104 days. But look to what the Judges of England did. Scotland did not enjoy the advantages which ought to have been extended to her when trial by jury was introduced, in consequence of the desire there was to accommodate it to the system of the Judges retiring for three parts of the year to their country houses. Indeed the Jury Court was compared to the garden of Eden, because it was made for Adam. That system had remained like a millstone about their necks, and there was no chance of having it removed. However, he was of opinion that the Bill of the learned Lord would be an immense improvement, and he should, therefore, give his hearty support to it.

Mr. *Goulburn* did not think that he should have been induced to rise upon this subject, but after the statement made by the hon. Member who had just sat down, that his right hon. Friend near him had not, during his tenure of office, introduced any reforms in the Scottish courts, or made any reductions in those offices, which ought to have been abolished, he felt himself called on to rise. He believed that the hon. Gentleman was not in Parliament at the time he now referred to; but if he inquired of many hon. Gentlemen upon his side of the House, he would find that they all concurred in the expressions of approbation and praise which were profusely uttered when his right hon. Friend filled the office of Lord Advocate. His right hon. Friend had done more to reduce the judicial establishment of the Scotch Courts than any man who preceded him in that office had done, or any who followed him could hope to do; and at one blow he did away with judicial offices to the amount of 36,000*l.* per annum; and, above all, his merit was, that in making those reductions he was dealing with offices to which, in the natural course of judicial preferment, he had a right to look not only on account of the high legal station which he occupied, but of the great talents and integrity which adorned his character. He had merely repeated this for the information of those hon. Members who were not in Parliament at the time, and who might otherwise have been misled by the statement of the hon. Member for Greenock. With regard to the question before the House, relating to the appointment of accountants-general to take care of the estates of minors and insane persons it was admitted that the Court of Session was not overburdened with business, and that they ought to sit more hours in a day and dispatch more business. He said then that the plan of his right hon. Friend met the views of every one who had spoken on this question, and his plan was to impose on the court the duty of looking after the estates of minors and insane persons. It had been shown that the clerks of Session were amply adequate in number to discharge this duty, and they were certainly not overworked, since it appeared that two gentlemen out of the four had been selected by Government to fulfil other very important and onerous duties, which they could perform without detriment to the public service. He was glad to hear that the Bar was in so flourishing a state in Scotland, since no one would accept of an office of 700*l.* a-year, for the learned Lord said that he did not believe that any Member of the Bar could be found who would accept the office of Accountant General.

The *Lord Advocate* was misrepresented by the right hon. Gentleman. He said no such thing, nor anything approaching to it. What he did say was, that his right hon. Friend opposite could not name any particular individual whom he had in contemplation who would accept of the office.

The House divided—Ayes 93; Noes 69; Majority 24.

Leave given.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Attwood, T.
Baines, E.
Baldwin, Dr.
Bannerman, A.
Baring, F. T.
Barron, H. W.
Bewes, T.
Bish, T.
Blake, M. J.
Bodkin, John James
Brabazon, Sir W.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Byng, rt. hon. G. S.
Callaghan, D.
Cave, R. O.
Cayley, E. S.
Chalmers, P.
Codrington, Admiral
Colborne, N. W. R.
Collier, John
Conyngham, Lord A.
Cowper, hon. W. F.
Denison, W. J.
Dillwyn, L. W.
Elphinstone, H.
Evans, G.
Ewart, W.
Fitzgibbon, hon. Col.
Finn, W. F.
Fitzsimon, N.
Gillon, W. D.
Gordon, R.
Grattan, H.
Grey, Sir G.
Gully, John
Harland, W. C.
Hawkins, J. H.
Hay, Sir A. L.
Hector, C. J.
Hindley, C.
Hume, Joseph
Hurst, R. H.
Johnston, A.
Lee, J. L.
Lemon, Sir C.
Lennox, Lord George
Lennox, Lord Arthur
Lushington, C.
Marjoribanks, S.
Martin, T.
Maule, hon. F.
Mostyn, hon. E.
Murray, rt. hon. J. A.
O'Brien, C.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Loghlin, Michael
Paget, F.
Palmerston, Lord Vist.
Pease, Joseph
Pechell, Captain
Phillips, C. M.
Pinney, W.
Potter, R.
Pryme, G.
Rice, rt. hon. T. S.
Rundle, J.
Russell, Lord J.
Russell, Lord
Sanford, E. A.
Seale, Colonel
Sharpe, General
Sheil, R. L.
Stanley, E. J.
Talbot, C. R. M.
Thomson, rt. hon. C. P.
Thompson, P. B.
Thompson, Col.
Thornely, T.
Tooke, W.
Townley, R. G.
Trelawny, Sir W.
Tulk, C. A.
Wakley, T.
Warburton, H.
Wilbraham, G.
Wyse, T.

TELLERS.

Mr. R. Steuart.
Mr. Wallace.

List of the NOES.

Alsager, Captain
Arbuthnott, hon. H.
Bailey, J.
Baring, W. B.
Bateson, Sir R.
Bentinck, Lord G.
Blackburne, J.
Brownrigg, S.
Buller, Sir J. Y.
Burrell, Sir C.
Calcraft, J. H.
Campbell, Sir H.
Coles, Lord Viscount
Conolly, E. M.
Cooper, E. J.
Dick, Q.
Duffield, T.
Dunbar, G.
Egerton, Sir P.
Egerton, Lord F.
Elley, Sir J.
Elwes, J. P.
Estcourt, T.
Forbes, W.
Forster, C. S.
Fremantle, Sir T.
Freshfield, J. W.
Gladstone, T.
Gordon, hon. W.
Goulburn, rt. hon. H.
Goulburn, Mr. Serg.
Graham, rt. hon. Sir J.
Hamilton, G. A.
Hamilton, Lord C.
Hardy, J.
Harvey, D. W.
Hawkes, T.
Hay, Sir J.
Henniker, Lord
Herries, rt. hon. J. C.
Hotham, Lord
Jackson, Mr. Serg.
Inglis, Sir R. H.
Irton, S.
Lees, J. F.
Lefroy, rt. hon. T.
Longfield, R.
Lushington, rt. hn. S. R.
Meynell, Captain
Norreys, Lord
North, F.
Palmer, Robert
Palmer, G.
Patten, J. W.
Penruddocke, J. H.
Perceval, Col.

Plumptre, J. P.
Praed, J. B.
Rae, rt. hon. Sir W.
Ross, C.
Rushbrooke, Col.
Scourfield, W. H.
Shaw, rt. hon. F.
Sheppard, T.
Vere, Sir C. B.
Vesey, hon. T.
West, J. B.
Wigney, J. N.
Williams, T. P.

TELLERS.

Clerk, Sir G.
Pringle, Alex.

HOUSE OF LORDS,

Friday, June 24, 1836.

MINUTES.] Bill. Read a third time:—Dublin Police.

Petitions presented. By several NOBLE LORDS, from various Places, against the Universities' (Scotland) Bill.—By the Earl of WILTON, from Middleton; and by the Earl of WINCHILSEA, from Horsmonden, in favour of their Lordships' Amendments to the Irish Municipal Corporations' Bill.—By the Marquess of LANSDOWNE, from Haverfordwest, against the Amendments made by their Lordships to the Irish Municipal Reform Bill.—By the Marquess of BREADALBANE, from Newcastle-upon-Tyne, for the Better Observance of the Sabbath.—By the Earl of SHREWSBURY and the Duke of CLEVELAND, from Liverpool, for Removal of Jewish Civil Disabilities.

PRISON DISCIPLINE.] The Duke of *Richmond*, after calling their Lordships attention to the Report of the Inspectors of Prisons, relative to the state of Newgate, begged to ask his noble Friend at the head of his Majesty's Government, whether it was the intention of Ministers to remove the Prisoners now confined in Newgate to the Penitentiary, where he believed there was plenty of room for them. The Government possessed this power under a Bill which he (the Duke of Richmond) had introduced last Session. He wished to know whether Government had taken any steps for this purpose, and if not, whether it was their intention to do so?

Viscount *Melbourne* replied, that the Report of the Inspectors of Prisons had engaged the most serious attention of his Majesty's Government, and the Secretary of State for the Home Department had taken measures to remedy, so far as his power extended, the defects they had pointed out. Those defects, he fully admitted called loudly for the intervention either of the executive or of Parliament. He had great pleasure in being enabled to inform his noble Friend, that a Bill was in preparation for amending the Gaol Acts, agreeably to the suggestions of the Commissioners, although, perhaps, the pressure of other business, and the advanced period of the sittings of the Houses, would prevent its being introduced this Session. With respect to Newgate a proposition had been made by Government to the Corporation of London, which, if accepted by them, would have the effect of remedying the evils which existed, not only in the gaol of Newgate but in all the city prisons. No answer had yet been received to this communication, but there was every reason to believe that it would be acceded to. He was not aware that there was any present intention of removing the prisoners confined in Newgate to the Penitentiary, but the matter should be reconsidered. At all events, measures were under consideration for providing an effectual and fundamental remedy for the evils that prevailed in Newgate and in the other city prisons.

The Earl of *Ripon* was very glad the subject had been brought forward by the noble Duke. He trusted the Corporation of London would receive the communication favourably, and he hoped the notice now taken of the subject might be an additional inducement to them to do so.

The Duke of *Richmond* only wished to add, that he considered the Report of the Inspectors of Prisons a very excellent one, and that he entirely concurred with every statement contained in it. The state of the borough prisons was very bad; and he thought it important that in the event of the Bill to which his noble Friend had alluded not passing in the present Session, they should not be allowed to alter their gaols without previously submitting to his Majesty's Ministers copies of the proposed plans. Subject dropped.

ENTAILS (SCOTLAND).] On the Motion of the Earl of Rosebery, their Lordships resolved themselves into a Committee of the whole House on the Entails (Scotland) Bill.

The 1st and 2nd Clauses were agreed to.

On the 3rd Clause,

The Earl of *Mansfield* rose to move, that it be expunged. He objected to it because it gave to heirs of entail a power to grant interminable leases, which they were expressly forbidden to do by the entails themselves. Many persons he knew were desirous, particularly since the Reform Act passed, to prevent building on their estates, which it was the object of this clause to allow. He knew that a man could not take his property to the grave with him, but it had not yet been, and he hoped it never would be declared in that Assembly, that no man should possess the means of controlling the application of his property after his death. He would divide the House on the question, that it be expunged.

The Earl of *Rosebery* supported the clause; he thought he had so modified it in the Select Committee as to ensure the noble Earl's approbation.

The Earl of *Devon* could not consent to such an immense alteration as this clause would make in the law without some absolute necessity, and none such had been shown to exist. Some restriction should be preserved over the distribution of land, and this clause must be put out.

The Committee divided on the original motion: Contents 17; Not Contents 27—Majority 10.

Clause struck out.

The remainder of the clauses were agreed to. The House resumed.

HOUSE OF COMMONS,

Friday, June 24, 1836.

MINUTES.] Bills. Read a third time:—North American Bank.—Read a second time:—Judges' Lodgings; and Sugar Duties.

Petitions presented. By Mr. THOMAS DUNCOMBE, from Ware, for Relief from Small Debts.

LIVERPOOL DOCKS.] Lord Francis Egerton moved the further consideration of the Liverpool Docks Bill.

Lord *Clive* wished that the clause in the Bill which exempted vessels going to Runcorn, Frodsham, and other places, from paying Dock-rates to the Liverpool Dock Company, should also extend to Elsmere. To accomplish his object, he would move that the Bill be recommitted.

Mr. Wilbraham seconded the motion.

Viscount *Sandon* could not agree to the motion of his noble Friend, which, if carried, would ruinously affect the property of the bondholders invested in the Docks, and which all the vessels that entered the port of Liverpool were liable to. The subject was one of much interest, and very deserving the attention of the House; and he contended that such a motion at least could not be made without previous notice.

Mr. *Ewart* apprehended that neither the amendment of the noble Lord (Clive), nor the clause of which it was merely an extension—the clause which exempted Runcorn and other towns from paying Dock-rates to Liverpool, could stand—for both the clause and the amendment were against the standing orders of the House. He felt so strongly on this point, that he would not detain the House, but appeal at once to the Speaker, for he felt confident that the point of law was decidedly against the clause; but if it were to be decided otherwise, he would oppose the measure generally.

The *Speaker:* Having been appealed to for my opinion, with a view to decide the question, I will recall the attention of the House to the facts. A motion having been made by the noble Lord, the Member for Ludlow, relative to a certain clause in the Bill, the noble Lord, the Member for Liverpool, stated, that such clause had been inserted contrary to the Standing Orders, and that it was his intention to move that it be struck out. The real question, then, for consideration is, whether the clause has been inserted contrary to the Standing Orders. I believe I am correct in stating, that the notices which have been given in the instance of this Bill, apply only to alterations to be made respecting the constitution of the Board of Trustees, and the management of the Docks; and that no notice has been given of any intention to propose an alteration with regard to the tolls. If, then, there be an alteration made by the Bill in the tolls, whether by addition or diminution, notice should have been given to the parties interested, and whose property must be affected by such alteration, of the intention to propose it. Now, no such notice has been given here, and I apprehend, therefore, that the clause must be struck out of the Bill. I hope that the House will always bear in mind, that the Standing Orders have been framed for the protection of all classes of the community, and that they never can, and never ought to be, disregarded, unless where some strong special case is made out; and where, in addition, it is clearly and distinctly shown that that particular departure from them will not be productive of injury to those persons for whose protection they are intended.

Lord Clive, with the leave of the House, would withdraw his motion.

Bill to be considered.

Lord Francis Egerton moved that the Amendment be read a second time.

Mr. *Ewart* would proceed to oppose the Bill. The question was, whether the Dock-rate payers, a small constituency, or the immense municipal constituency of Liverpool, were to have the superintending power over the Dock estate. He said the Dock-rate payers were a small constituency. They consisted of hundreds—the municipal constituency was composed of thousands. The Dock-rate-paying constituency was a changing and fluctuating body—the constituency of the town was of a fixed and enduring character. If the Dock-rate-payers formed the constituency, they might be subject to undue control. A wealthy merchant could (under the existing system) create voters only a day before the election of those who were were destined by the Bill to manage the Dock-estate of Liverpool. The Municipal Reform Bill had secured the municipal voters from such undue interposition. They, therefore, were the body whose representatives in the new council, should manage a trust so important to the town as the Dock trust. That these powers should have vested in the old Corporation was highly objectionable. That they should not vest in the new, freely-elected, and responsible body, was, in his opinion, most objectionable also. The Municipal Reform Bill involved the concentration of local funds in the hands of the Local Council. This Bill was against that principle. Was it against no other principle of the Municipal Reform Bill? Yes. If there was one element of that Bill more marked and more essential than the rest, it was this,—that the police of the towns should be concentrated in the new local authorities. The police was the organ of good government in the town. Yet this Bill continued a principle of separation of the police of Liverpool. The Docks of Liverpool, nearly all of them open to the streets, extended for three miles along the town. If the police were separated into a dock police and a town police, how could it act with due uniformity and vigour, or be conducted on proper principles of economy and order? The Committee on this Bill had received evidence of the most striking character on this point. Mr. Mayne, the chief of the metropolitan police, had declared it to be essential, on general principles, that both polices should be combined. He considered such combination the soul of a system of police. The superintendent of the police at Liverpool declared the same on his local knowledge. So did the magistrates' clerk, and the eminent stipendiary magistrate, Mr. Hall, who now presided in the courts at Liverpool. To this overpowering evidence no answer, either of fact or of argument, was given by their opponents. Yet the Committee, by a small majority, carried the continuance of two separate police forces. He called on the House to assert the principles of that Bill; to act upon them; to devolve on the Council which they themselves had created, the powers of which it was worthy; to concentrate the police; and consult the lasting interests of Liverpool.

Viscount *Sandon* said, that from the interest made by his hon. Colleague and others, to fill the benches at the opposite side, it was very evident that the intention was to turn this, which was strictly a commercial question, into a party struggle; and he regretted to perceive that hon. Members connected with Government should sanction a proceeding that was likely to be productive of the most serious injury to the commercial interests of the country. The trustees of the Liverpool Docks were disposed to come to an amicable and satisfactory arrangement with the town-council, and for that purpose had made several propositions to them, and it was not until these propositions had been rejected, and all idea of an amicable termination to the differences had disappeared, by the town-council insisting on a predominance in the trust, that the present Bill was introduced into that House. There had been an ancient struggle between the corporation and the people of Liverpool on this subject. In 1825, and 1826, the first struggle took place, when Mr. Gladstone endeavoured to wrest the control of the trust from the corporation of that time, and to place it in the hands of the rate-payers, on the grounds that the corporation were an irresponsible body, and that those who contributed to the tolls had the best right to see them dispensed. Mr. Huskisson soon after followed, and insisted on the same right, and a compromise took place, which was favourable to the rate-payers. To show that this was not a political question, some of the gentlemen now in the town-council coincided with the views of the trustees, and signed their names to a document to that effect; and it was not until they had found that by the passing of the Municipal Bill, that they had the power in their own hands, that they changed their sentiments. It might be said that the case was materially altered since the passing of that Act; but he begged to inquire whether the town-council had been selected by the rate-payers, and whether they were responsible to them. Many of the promoters of this Bill had been the political friends of his hon. Colleague (Mr. Ewart) at the last election. All that was desired by the friends of the Bill was, that 9,000*l.* or 10,000*l.* should not be applied to the general purposes of the police of Liverpool, without any security that the property of the Dock Company would be duly protected. That it would not be duly protected was evident from the fact, that although the Dock Companies of London contributed their proportion to the common police of the metropolis, they were obliged to maintain a special police to guard them against depredation. Such would doubtless be the case hereafter at Liverpool, if the amendment were carried. If the present Bill were not passed, there would be no fit and responsible persons to regulate and manage the trust. [*Cries of* "*Divide,*" "*Question.*"]

Mr. *John Stanley* said, if any party zeal were shown on the occasion, it was on the side supported by the noble Lord, who himself was no inefficient or indolent coadjutor. As to the measure before the House, in the first place the promoters of it had departed from the form in which it was originally introduced, and had re-modelled it more in consonance with their own views and wishes. In the next place, he (Mr. E. J. Stanley) considered the rate-payers the most improper persons who could be concerned in the Liverpool Docks; while the town-council, on the other hand, had a permanent interest in them. The rate-payers cared nothing about the establishment, and would not suffer if it fell to ruin to-morrow. The interest of the town-council was identical with the interests of the whole town of Liverpool. Whoever might be in possession of the Docks, care must be taken lest, in another year, a measure should not be passed, compelling them to reduce the dues to the lowest possible amount; for if they did not, the whole trade of the port of Liverpool might be endangered. As a representative of Cheshire, he called upon hon. Members to unite with him in rejecting this Bill. If it were not rejected, it would be impossible hereafter to reintroduce the clause, so material to the interests of that part of the kingdom.

The House divided on the original question: Ayes 173; Noes 197—Majority 24.

List of the AYES.

Agnew, Sir Andrew
Alsager, Captain
Arbuthnot, Hon. H.
Ashley, Lord
Ashley, hon. H.
Bagot, hon. W.
Bailey, J.
Balfour, T.
Baring, F.
Baring, H. Bingham
Baring, W.
Baring, Thomas
Beckett, Sir J.
Bell, Matthew
Bethell, Richard
Blackburne, I.
Bolling, William
Bonham, R. Francis
Bradshaw, J.
Bramston, T. W.
Calcraft, J. H.
Campbell, Sir H.
Canning, Sir S.
Cartwright, W. R.
Chichester, A.
Chisholm, A.
Clerk, Sir G.
Cole, Viscount
Cole, hon. A. H.
Conolly, E. M.
Corbett, T.
Corry, hon. H. T. L.
Crewe, Sir G.
Dalbiac, Sir C.
Damer, D.
Darlington, Earl of
Dick, Quintin
Dottin, Abel Rous
Duffield, Thomas
Duncombe, hon. W.
East, James Buller
Eaton, Richard J.
Egerton, Wm. Tatton
Egerton, Sir P.
Elley, Sir J.
Elwes, J.
Entwisle, John
Estcourt, Thos. G. B.
Feilden, W.
Ferguson, Sir R. A.
Finch, George
Fleming, John
Forbes, William
Forester, hon. G.C.W.
Forster, Charles S.
Fremantle, Sir T. W.
Gaskell, J. Mlnes
Gladstone, Thomas
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, W.
Gore, O.
Goulburn, hon. H.
Goulburn, Sergeant
Graham, Sir J.
Greene, Thomas
Greisley, Sir R.
Grimston, Viscount
Grimston, hon. E. H.
Hale, Robert B.
Halford, H.
Halse, James
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J., bart.
Harcourt, G.
Hardinge, Sir H.
Hardy, J.
Hawkes, Thomas
Hay, Sir J., bart.
Hayes, Sir E. S., bart.
Heathcote, G. J.
Henniker, Lord
Hill, Lord Arthur
Houldsworth, T.
Hoy, J. B.
Hughes, Hughes
Jackson, Sergeant
Ingham, R.
Inglis, Sir R. H., bart.
Irton, Samuel
Johnstone, Sir J.
Jones, W.
Jones, Theobald
Kearsley, J H.
Kirk, Peter
Knatchbull, Sir Edw.
Knightley, Sir C.
Lees, J. F.
Lefroy, Sergeant
Lincoln, Earl of
Lowther, Col. H. C.
Lowther, Lord
Lowther, J.
Lucas, Edward
Lushington, S. R.
Lygon, hon. Col H.B.
Mahon, Lord
Manners, Lord C.
Martin, J.
Meynell, Captain
Miles, Philip J.
Mosley, Sir O., bart.
Neeld, J.
Nichol, Dr.
Norreys, Lord
Owen, Sir John, bart.
Packe, C. W.
Palmer, George
Palmer, Robert
Patten, John Wilson
Peel, Sir Robert, bart.
Perceval, Colonel
Pigot, Robert
Plumptre, J. P.
Polhill, Frederick
Pollen, Sir J., bart.
Praed, James B.
Price, Richard
Pringle, A.
Rae, Sir William, bt.
Reid, Sir J. Rae
Richards, J.
Robinson, G.
Ross, Charles
Rushbrook, Colonel
Russell, C.
Scarlett, hon. R.
Scott, Lord J.
Shaw, F.
Sheppard, T.
Sibthorpe, Colonel
Smyth, Sir G. H., bt.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Edward
Stanley, Lord
Stewart, Sir M. S., bt.
Sturt, Henry Charles
Tennent, J. E.
Thomas, Colonel
Trench, Sir Frederick
Trevor, hon. Arthur
Trevor, hon. G. R.
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B., bart.
Vesey, hon. Thomas
Vivian, John Ennis
Vyvyan, Sir R. R.
Wall, Charles Baring
Walter, John
West, J. B.
Wilbraham, hon. B.
Williams, T. P.
Wodehouse, E.
Wood, Colonel
Wortley, hon. J. S.
Wynn, rt. hon. C. W.
Wynn, Sir W.
Young, G. F.
Young, J.

TELLERS.

Sandon, Lord
Egerton, Lord Fran.

List of the Noes.

Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Anson, G.
Bagshaw, John
Baines, Edward
Baldwin, Dr.
Ball, N.
Bannerman, A.
Barclay, David
Baring, F. Thornhill.
Barnard, E. G.
Barry, G. S.
Beauclerk, Major
Bellew, Richard M.
Bennett, J.
Bentinck, Lord W.
Berkeley, hon. F.
Bewes, T.
Biddulp, R.
Bish, Thomas
Blackburne, J.
Blake, M. J.
Blamire, W.
Bodkin, J.
Bowes, J.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, C.
Buller, E.
Burton, Henry P.
Butler, hon. P.
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cavendish, hon. G. H.
Cayley, Edward S.
Chalmers, P.
Chapman, M. L.
Clay, William
Clive, Edward B.
Clive, Viscount
Clive, hon. R. H.
Codrington, Sir E.
Collier, John
Conyngham, Lord A.
Crawford, Wm. S.
Crawford, William
Curteis, Edward B.
Dalmeny, Lord
Dennison, J. Evelyn
D'Eyncourt, C. T.
Donkin, Sir Rufane
Duncombe, T. S.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. Deanes
Edwards, Colonel
Elphinstone, Howard
Evans, G.
Fazakerley, John N.
Fergus, John
Ferguson, Sir R.
Ferguson, Robert
Fergusson, rt. hn. C.
Fitzgibbon, hon. B.
Finn, Will. Francis
Fitzroy, Lord Charles
Fitzsimon, Chris.
Fitzsimon, N.
Fort, John
French, F.
Gaskell, Daniel
Goring, H. D.
Grattan, J.
Grattan, H.
Grey, Sir G., bart.
Grosvenor, Lord R.
Grote, George
Guest, J.
Gully, John
Harvey, D. W.
Hay, Sir Andrew L.
Hector, C. J.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Holland, E.
Howard, P. H.
Hume, J.
Jervis, J.
Johnston, Andrew
Labouchere, rt. hn. H.
Lambton, H.
Langton, Wm. Gore
Leader, J. T.
Lefevre, C. S.
Lennard, Thomas B.
Lister, Ellis Cunliffe
Loch, J.
Lushington, Charles
Lynch, Andrew H. S.
Macleod, R.
M'Namara, Major
Mangles, J.
Marjoribanks, S.
Marshall, W.
Marsland, Henry
Maule, hon. F.
Methuen, Paul
Morpeth, Lord Vis.
Morrison, James
Mostyn, hon. E.
Mullins, F. W.
Murray, rt. hon. J. A.
Nagle, Sir Richd.
O'Brien, C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, Morgan
O'Conor, Don
O'Ferral, Rich. More
Oliphant, L.
O'Loghlin, M.
Ord, W. H.
Oswald, J.
Paget, F.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, Jasper
Pattison, J.
Pease, Joseph
Pechell, Capt. R.
Pelham, hon. C. A.
Pendarves, E. W. W.
Phillips, C. M.
Pinney, W.
Potter, R.
Power, J.
Price, Sir R.
Rice, rt. hon. T. S.
Roche, W.
Roche, D.
Roebuck, J. A.
Rolfe, Sir M. R.
Rundle, J.
Russell, Lord
Ruthven, E.
Sanford, E. A.
Scott, Sir E. D.
Scrope, G. P.
Seale, Colonel
Sharpe, Gen.
Sheil, R. L.
Smith, B.
Steuart, R.
Strutt, E.
Stuart, V.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thompson, Col.
Thornely, T.
Tooke, W.
Townley, R. G.
Tracey, Charles H.
Trelawney, Sir W. L.
Tulk, C. A.
Turner, W.
Tynte, J. K.
Verney, Sir H., bart.
Villiers, Sir Charles P.
Wakley, T.
Walker, C. A.
Walker, Richard
Wallace, Robert
Warburton, H.
Wason, R.
Westenra, hon. J. C.
Wigney, I. N.
Wilbraham, G.
Wilde, Mr. Sergeant
Williams W.
Williams, W. A.
Williams, Sir J.
Williamson, Sir H.
Winnington, Capt. H.
Wood, C.
Woulfe, Mr. Sergeant
Wrightson, W.
Wrottesley, Sir J.
Wyse, T.

TELLERS.

Ewart, William
Stanley, E. J.

The Bill thrown out.

Commutation of Tithes (England).] Lord John Russell moved the order of the day for the further consideration of the Report on the Commutation of Tithes Bill.

Mr. *Thomas Duncombe* presented a petition from Ware against the payment of small tithes. He would take that opportunity of asking the noble Lord whether he meant to introduce any Bill this session for the abolition of personal tithes?

Lord John Russell was understood to say that he had such a Bill in preparation.

Mr. *Arthur Trevor* wished to call the attention of the noble Lord, the Secretary of State, to the clause, which appointed Commissioners to carry this act into execution. He thought it most important for the interest of all parties concerned, but more especially for the interest of the clergy, that it should be known who the Commissioners were to be. By the Bill as it now stood, they might be Roman Catholics, or Dissenters, or Jews, or persons of any other persuasion. Now, he held it essentially necessary that these commissioners should be members of the Church of England as by law established. He was aware that the view he had taken f this subject differed widely from the opinion of other hon. Members; at the same time, conceiving it to be a matter of great importance, he should move, that after the words "it shall be lawful to appoint two fit persons" the words "being members of the Church of England as by law established" be inserted.

Lord *John Russell* considered such an amendment altogether unnecessary, and should oppose it.

Mr. *Arthur Trevor* would divide the House on it; a division accordingly took place:—Ayes 19; Noes 58; Majority 39.

Mr. *Hume* wished to call the attention of the House to the 9th Clause, which enacted that the salaries of the Commissioners, &c., and all other expenses attendant upon the operation of the Act, were to be paid out of the consolidated fund. Now to this he was decidedly opposed, and he did not see why the parties interested in the settlement of the tithe question should not pay a rate in proportion to the amount settled, for the purpose of defraying these expenses. It was supposed that both parties would be benefitted by this Bill, it was supposed, too, that the public generally would be benefitted; but even allowing that they would, he did not think that the consolidated fund should be resorted to so very frequently as it had been. He should therefore move, that the remainder of the clause after the words "shall be paid" be omitted, for the purpose of inserting words to this effect—"out of a rate chargeable on those interested in the award of the Commissioners, in such a manner that all aforesaid expenses may be equally and justly borne."

Lord *John Russell* believed the proper time for the hon. Member to move such an amendment would be on the re-commitment of the Bill. The hon. Member was quite right in his opinion respecting the consolidated fund regarding bills generally; but in this instance he (Lord John Russell) did not see how they could impose these charges upon particular individuals.

Mr. *Hume* would move that the Bill be recommitted.

Sir *Robert Peel* very much doubted in this instance the propriety of attempting to impose the onus of defraying the expense upon any particular class. It was the settlement of a great national question, and he thought it but just that the expenses should be paid out of the national fund.

Mr. *Thomas Duncombe* was of opinion, that the measure then before the House was a settlement of a question between two disputing parties who could not agree, and he did not see why the public should be called upon to pay for the arrangement of their dispute by the Legislature. He thought it would very much expedite and promote the voluntary commutation of tithe if the costs of arbitration were to be paid by the parties themselves—namely, the parson and the lay impropriators.

The House divided on Mr. Hume's motion:—Ayes 10; Noes 60; Majority 50.

The *Solicitor-General* proposed the introduction of a proviso at the end of Clause 35, relating to the modification of special cases, for the purpose of giving the Commissioners power in cases where the tithe-owner had taken a less amount than the composition originally agreed upon, in any year during the last seven years, to fix that diminished amount as the rate of payment in future.

Sir *Robert Inglis* thought it would be very unfair to the tithe-owner to take advantage of his liberality to the tithe-payer.

The proposition was agreed to.

Lord *John Russell* said, it was his intention to propose that in cases where compositions, either from the length of time they had been in existence, or from other circumstances, were either too high or too low, to give the Commissioners a fuller power to deal with such as appeared to be fraudulent or collusive, according to the best of their judgment.

Mr. *William Crawford* said, he had been induced to give a great deal of attention to this subject by an accidental circumstance. He had become acquainted with the case of a rectory in Surrey, the composition for the tithes of which was very inadequate. During the last seven years, comparing it with the price of the produce, the proportion of tithe which the rector got was as forty to 100. Taking the expense of collection, and all other charges, at fourteen per cent., which he was sure would be more than sufficient, there remained 86*l.* out of every 100*l.* in the hands of the tithe-payer, who, according to the amount of composition, would pay only forty-eight parts, and retain thirty-eight parts of the tithe justly due to the rector. He believed this case was not an uncommon one, and therefore he was glad that the noble Lord was disposed to meet it.

Mr. *Blamire* thought the proposition calculated to do a great deal of good; but he believed that when the Bill came into operation the Commissioners would find many difficulties spring up, which were never anticipated. He thought it would be an improvement upon the plan of the noble Lord if the Commissioners, when they met with cases of difficulty, not fairly provided for, were required to suspend their decision, and to institute an inquiry and report thereon to the Government. This would prevent the necessity of giving them too much discretionary power, to which he believed many hon. Members were opposed.

Mr. *Edward Buller* was satisfied with the proposition. He did not think the discretionary power to be reposed in the Commissioners too large. In regard to such cases as those alluded to, it would be found, that by a subsequent clause of the Bill the Commissioners were required to compare the compositions under consideration with the average rate of composition in neighbouring parishes.

Mr. *Goulburn* expressed a fear that these special provisions would be productive of serious inconveniences to many clergymen. Since the House had not adopted the voluntary principle, but had decided in favour of a compulsory payment of tithes, he thought the Commissioners ought to be vested with ample discretion. He trusted also, that by whomsoever they might be appointed, they would be men of firmness, integrity, ability, and high character. The clergy were most anxious for an amicable adjustment of this question; they asked no extraordinary favour, no partiality; but, on the other hand, they were entitled to all the protection which the Government Commissioners could afford to them.

Lord *Ebrington* quite agreed with the right hon. Gentleman, being convinced that the success of the measure wholly depended upon the character and qualifications of the commissioners.

Mr. *Lennard* believed the clause would be very beneficial to both tithe-owners and payers. He was doubtful, however, whether it would sufficiently meet the case of landlords of small estates, who would become responsible for the payment of tithes, and be, as it were, mere bailiffs for the tithe-receiver.

The amendment proposed by the noble Lord was agreed to.

On Clause 37 being brought under the consideration of the House,

Mr. *Jervis* said, there would be considerable difficulty in applying this clause to the wealds of Kent and Sussex. For example, how could it be applied fairly to the case of wood grown for hop-poles? On these the average of the last seven years would never operate with justice. He thought that with respect to such cases the Commissioners should be left a discretionary power, and be permitted to take the tithe according to the district, or according to the form, just as they might find upon inquiry to be the practice of the place.

Lord *John Russell* said, that the wealds of Kent and Sussex were generally exempt from tithe, but there still might remain some difficulty as to coppice woods.

Mr. *Hume* said, it was monstrous that fruit and the produce of gardens should be subjected to tithe, they being the result of an amount of capital vastly greater than was applied to land used for other purposes. As respected gardens, the average of the last ten or seven years could be no fair rule, the more especially as the increasing facilities for the transport of garden produce would materially alter the value of garden ground. As respected this part of the subject, it might be difficult to alter existing practices, but he hoped that new ground would be protected.

Sir *Robert Peel* remarked, that as this qnestion stood on separate grounds, and the noble Lord found great difficulty in dealing with it, it had better be treated as a special case, and he therefore thought it would be more advisable to leave the words "coppice wood" out of this clause, and allow the Commissioners, after an inquiry on the subject to suggest what seemed to them the best mode of dealing with this difficulty.

Lord *John Russell* consented to this proposition, and the words "coppice wood" were struck out of the clause, which was agreed to.

Clause 38, which provides for the case of charge of culture of hop-grounds and market-gardens, being proposed.

Mr. *Hume* observed, that he agreed with the clause as far as the word "land" in in the 40th line, but what followed was wholly against the principle of the Bill, which was, to make a settlement once for all of the tithe question, in order to give an opportunity of improving the land by an application of capital. All land which might be cultivated as garden-grounds or hop-grounds after the commutation were to be subjected to an additional rent-charge. Now he objected to this taxation of capital, and he should therefore move that all that part of the clause after the word "land," line 40, should be left out.

Lord *John Russell* was quite ready to admit that this clause was in opposition to the general principle of the Bill, but he introduced the exception because a deputation of the constituents of the hon. Member for Middlesex waited on him to represent the peculiar hardship of their case. He explained to the market gardeners the general principle of the Bill—namely, that a rent-charge was to be payable on the average of the last seven years, upon which their representation to him was, that they having expended a large capital on the improvement of their market gardens, if this principle were acted upon they would continue liable to a very heavy charge, while the owners of arable land or common land in the neighbourhood, paying a very low tithe composition, would come into competition with them, and they would be ruined. He was extremely reluctant to introduce this exception into the Bill, but when the hon. Member's constituents pressed him so strongly, he, very much against his will, gave way on this point. He had, therefore made this provision, that when land was brought into cultivation as market-garden ground, or hop-ground, it should be liable to the same payment which the same kind of land was to pay now. This was one point of view in which the question might be considered; but there was also another view of the subject. The hon. Member did not object to the first part of the clause. He said, it was quite fair that when land ceased to be cultivated as a market-garden, it should cease to pay the extraordinary rent-charge, but that, if arable land was cultivated as market-garden land, it should not pay a higher tithe than it did before—a proposition in which there was neither fairness nor justice. If the hon. Member meant to say that market-gardens should be liable for ever to the higher amount of tithe-composition, but that all persons who were not liable now should never be liable, he could understand that argument, but to make this one-sided proposition was not agreeable to common sense or common fairness.

Mr. *Warburton* did not think that the noble Lord had fairly put the argument of his hon. Friend, the Member for Middlesex, because the principle of the Bill was not to throw any obstacle in the way of the extraordinary application of capital by increasing the tithe on account of the improvement of land. Whether his Friend, the Member for Middlesex, or any one one else, had made representations to the noble Lord, he wished he had attended to the principles of his own Bill. There might be other persons who had made representations, there were the hop proprietors as well as the market gardeners affected by this clause, and what was this but an endeavour to maintain the monopoly of the existing hop-growers in favour of Worcestershire, Kent, Surrey, or any other part of England which was a district for hop cultivation? This was against the principle on which the Bill was founded, and was a proof that it would have been better to adopt his (Mr. Warburton's) plan to get rid of tithes altogether, throwing the burden on the consolidated fund, and getting quit of the difficulty in this way.

Sir *Robert Peel* observed, that if, when they came to discuss the proposition of the hon. Member, he had not more cogent arguments to adduce than those which he had now employed, a more futile motion could never have been made; and, as he had put forward these arguments in advance, he presumed that they were the most efficient which he had at his command. But he would inquire, if this exception applied to hop-grounds why should it not apply to market-gardens? And where was the injustice if hop-grounds and market-gardens were put on the same footing? The hon. Member seemed to assume that all market-gardeners were small freeholders, each cultivating their acre of land, and that their interests were to be neglected because they were humble people. But he apprehended, that, although the market-gardeners cultivated a small portion of land, the owner of that land might be a very rich man, possessing a great quantity of this kind of ground, let out to tenants-at-will, and whatever advantage would be derived if the hon. Member's proposition were agreed to, would not benefit the tenant-at-will, but the great proprietor, for they might depend upon it that when the land was out of lease he would have the advantage. The object of the Bill was to get rid of an uncertain charge on the application of capital to land, and that if a large amount of capital were expended in the improvement of land, it should not be subjected to the payment of the value of one-tenth of the produce, but of a definite sum. The Bill divided the charges made upon the land in lieu of tithes, into two classes, an ordinary and extraordinary charge, but the extraordinary was equally definite with the ordinary charge. It would not be an uncertain sum, varying with the amount of produce, but ascertained and fixed. One would indeed exceed the other, but each would be equally definite.

Mr. *Jervis* contended, that the clause was in opposition to the principle of this Bill, as it would check the expenditure of capital upon land. It was quite right that garden-ground and hop-ground should pay the extraordinary charge as long as they remained under that mode of cultivation; but, that ground which would now have to pay the ordinary charge should be subjected to an extraordinary payment when improved by the application of capital was wholly mischievous in principle, and inconsistent with the Bill itself. The fact was, this clause was introduced merely because a deputation of hop-growers had waited on the noble Lord.

Mr. *Benett* expressed his wish to do justice to all parties, and if the market-gardeners were injured by the Bill, he would give them compensation, but he could not agree to an exception which would lay an embargo on the whole land of the kingdom. They were prohibited by this clause from converting their lands into gardens or growing hops. When railroads were established, land fifty or sixty, or even 100 miles off, might come into competition with the market-gardens near the metropolis, and he had no doubt that hops would be grown in other counties than those in which they were now cultivated. The principle of the Bill, which was very ably laid down by the noble Lord in bringing forward the measure, was to take off the embargo of taxation upon, and encourage the outlay of capital. By the adoption of this proposition injury would be done to so lasting an extent, as to make the Bill wholly different from what it was originally.

Sir *Robert Price* supported the original clause, which, in his judgment, was of considerable utility. The amendment of the hon. Member for Middlesex would, if carried, operate as a great fraud upon the tithe-owners of the country.

Mr. *Aglionby* admitted that the question was one of great difficulty, but he thought no person could have attended to the observations just made by the hon. Member for Wiltshire (Mr. Benett), without feeling bound to vote for the amendment proposed by the hon. Member for Middlesex. He hoped the House would not consent to sacrifice the great principle of the Bill for the sake of serving the interests of a few individuals.

Colonel *Thompson* thought the clause, instead of involving the principle of fairness which had been attributed to it, gave two boons at once to the possessors of old hop and garden-ground, and to nobody else. It first relieved them from the continuance of the full rate in the event of their land being wrought out, and then guarded them against the competition of their neighbours who might have land, which the removal of the burthen of tithe would bring into profitable cultivation for hops and gardens. He could appeal to the other side of the House, whether in any share he had taken in the debates on the present subject, he had not shown a friendly disposition to the tithe-owners and to the church; and he therefore said with more confidence,that he did not believe the church was at the bottom of this demand for the preservation of the principle of tithe in a particular case, or would make any objections to the first part of the clause without the last. It was the owners of old hop and garden grounds *versus* the owners of new, with a view to keeping them out of the market, and thus depriving the public of the advantage they ought to have derived from the removal of the tithe-system.

Major *Beauclerk* observed, that the only difficulty arose from the want of a proper definition of the words "market-garden." Unless those words were properly defined, thousands of persons would spring up, and by changing the cultivation of their lands effect a fraud on the tithe-owners, by obtaining an exemption from tithes.

The *Solicitor General* supported the clause as it stood in the Bill. The clause was founded in justice, and would work beneficially to the whole community.

Mr. *Strutt* remarked, that the effect of the amendment of the hon. Member for Middlesex was to abolish this species of tithes altogether. If such was the object of the hon. Member, he begged of him to make the proposition directly, and then it could be fairly met and disposed of, instead of by this side-wind, circuitous, and expensive mode of effecting that object. If the amendment was carried, a man had only to change his mode of cultivating his lands to be exempt from tithes, and to prevent this injustice to tithe-owners he should support the clause as it stood.

Mr. *Hume*, before the House divided, wished to set himself right in respect to what had fallen from the noble Lord at the head of the Home Department. The noble Lord had stated, that this clause was the mere adoption of the proposition of the deputation which had waited upon him on this subject. He must be allowed to say, that the proposition made by him on behalf of the deputation was, that garden-ground should be placed on the same footing as similar land adjoining it, and that his whole argument had been against the injustice of giving to the clergyman a tithe upon the capital expended and employed. If the clause were his, he would now most readily give it up.

The House divided on the amendment —Ayes 23; Noes 104—Majority 81.

Mr. Warburton moved a proviso, to be added to the clause, to the effect that all gardens, not being cottage-gardens, should be deemed and taken to be market-gardens, for all the purposes of this Bill.

Proviso rejected, and clause agree to .

On the 49th Clause,

Mr. *Goulburn* said, that the principle of the Bill was, that the rent-charge should be estimated with reference to the value received for tithe during the last seven years. Now, it so happened, that in parishes where there was a great extent of common, a large portion of the Vicar's tithes were derived from that common. He received the tithe on the milk of the cows, and on the wool of the sheep which fed on the common. These, then, were tithes paid on cattle belonging to small cottagers. The apportionment clause directed that the total amount of the rent-charge should be apportioned among the lands of each parish. Now, he did not see how it was to be apportioned over the common land, or to whom the tithe-owner would have the right of applying for the payment of his tithe. Was the lord of the manor to be liable? If the tithes were not paid, the owner might proceed to recover them by distress, but that would be levied on the cattle on the common belonging to the cottagers, who might actually have paid their tithe. He trusted that the hon. and learned Gentleman (the Solicitor-General) would consider the point before the third reading.

Clause agreed to.

On Clause 53,

Mr. *Hume* said, that he considered the proportions of wheat, barley, and oats, for the valuation of the rent-charge ought to be altered; and that the proportions ought to be one-half of wheat, one quarter of barley, and one quarter of oats.

Mr. *Poulett Thomson* observed, that that point had been fully discussed in Committee.

Mr. *Goulburn* thought that the clause would materially affect the security of the clergyman's income, because it permitted the rent-charge, instead of being laid on the whole of the land belonging to one estate, to be apportioned on a certain part of the land, provided the value of that part should be equal to double the value of the tithe due for the whole estate. Now, he thought that the clergyman's income would be much less secure, if it were made to proceed from only a part, and not from the whole of the land. If the value of that part of the land should fall, or if the land itself should cease to be cultivated, the incumbent might be reduced to utter destitution.

Sir *J. Wrottesley* said, that such an apportionment as the right hon. Gentleman had alluded to could not take place without the consent of the tithe-owner; and the value of the portion of land on which the rent-charge might be laid must be not merely double, but at the least double of the value of the tithe due on the entire estate.

Lord *John Russell* said, he had no objection, if the right hon. Gentleman wished it, to make it necessary that the value of the particular portion of land on which the rent-charge might be placed should be at least three times more than the value of the tithes due for the entire estate.

Amendment to that effect adopted.

Sir *Robert Peel* said, that the alleged grievance in Ireland was, that parties were called on to maintain a Church from which they derived no benefit. Now, let the House consider what might be the operation of the present clause fifty or 100 years hence. He saw nothing in the clause to prevent tithe due on land in one parish from being apportioned on tithe situate within a different parish. Now, if a Dissenter should become possessed of the land thus subject to tithe, he would certainly have a greater grievance to complain of than that which it was alleged the Catholics of Ireland laboured under, for he would have to pay not only for the support of a Church from which he derived no benefit, but he would also be compelled to contribute to the support of the incumbent of a different parish from that in which his property was situate.

Mr. *Edward Buller* said, that the Dissenter might feel cause to complain even when he paid for the maintenance of a clergyman of the Established Church in the parish where his property was situate; but if the property, peculiarly subject to the payment of the rent-charge, fell into the hands of a member of the Church of England, he could have no right to object, although that rent-charge might be paid to the clergyman of a different parish, inasmuch as its purpose was the maintenance of the Church to which he belonged.

Clause agreed to.

After all the clauses had been considered,

Mr. *Walter* said, that in recommending the clauses of which he had given notice to the consideration of the House, he did trust that he should have a friendly audience; for after all that had been said on the sufferings of those who were called the labouring clergy—the inadequacy of their remuneration—the injuries resulting to religion, and consequently to the country, from pluralities and non-residence, he thought that it would be a great reflection on the character of honourable persons, connected in fact with the Church by the tenure of lay impropriations, if the first measure which had a tendency to diminish those great evils, by an operation or supposed operation upon their interests, were cried down. They could not put much faith in the sincerity of the lamentations which they so frequently heard from laymen—whether belonging to the Established Church or Dissenters—of the destitute state of numerous parishes, and the inadequacy of the revenues to support a resident minister, if the moment when a reasonable method of cure was suggested—and his should be no other than a reasonable one—it were rejected, because it could not effect that which was impossible, namely, apply money to the existing wants, without in fact, taking it from anywhere. He hoped he should be enabled to show, both from law and reason, from whence the money ought to come; and that it would be taken with such moderation, and under such restrictions, and with such a portion of countervailing indemnification to the individuals who might be affected, that none should have any great cause for complaint. There had been laid on the table of the House three Reports from certain Commissioners appointed to consider the state of the Established Church with reference to ecclesiastical duties and revenues. The Commissioners it was, perhaps, unnecessary to state, were his Majesty's late and present Ministers, joined with certain of the dignitaries of the Church. It was notorious, that very general satisfaction was felt both in that House and throughout the country with the recommendations and general tenour of these reports; for therein they found the members of a Church certainly not overpaid upon the whole—though the funds of the Establishment might be unequally distributed—therein, he said, they found the members of the Church throwing themselves upon their own resources, curtailing their own dignities, and reducing the more opulent members of the body, to raise the poorer and more unfriended. Not to dwell much upon those Reports, he found by the second of them, that the number of prebendal stalls to be abolished was above 360; after which there would barely be a sufficient number of the clergy left to perform the ordinary cathedral duties; and that the sum to be derived hence, and applicable to the improvement of small livings, would not exceed 130,000*l.* per annum. But applicable to the improvement of what livings? Not those certainly which were the property and in the patronage of laymen, and of which laymen were now, and were to continue to be, in the receipt of the tithes. This, he said, would be a plunder of the Church, of which there was no similar instance on record; and were the plunder executed, what would be the effect of such a misapplication of funds which ought to be held sacred? Why simply this—that those livings (at least many of them) would be sold at a higher price; they would forthwith be brought into the market with a view to put more money into the pockets of the needy proprietors; and he (Mr. Walter) had already heard of an increased demand being made for the advowson of a small living, on the plea that its revenues would be shortly improved by the Ecclesiastical Commissioners. It was obvious, therefore, that even in common honesty the 130,000*l.* given up by the Church at one end of the establishment, could only be employed at the other end of it—that is, to relieve those livings which were strictly clerical property, and dependent on the cathedrals whose revenues had been sacrificed for this very purpose. He was aware that in many cases the impropriations had been sold and resold since the original grant by Henry VIII., and it would be asserted on behalf of many of the present possessors, that the full value of them had been given, the stipend of the clerical incumbent being a fixed sum; and this, he had no hesitation in confessing, was the chief difficulty with which he should have to contend. But he denied that this property had ever borne the same value in the market as other freehold property; he asserted that its saleable value had been lower on account of its liabilities. He knew it would be said that the difficulty and expense of the collection of tithe rendered it less valuable. He allowed for all this: he would set apart what sum gentlemen liked for covering these expenses, and he would then take the net residue, and he asserted that this had never ordinarily sold for as many years' purchase as the same sum derived from any other species of freehold property: it was obvious, therefore, that the clerical incumbent had always been considered as having a lien upon it. He was aware also, that what had been conceived as the highest legal authority—that of Bishop Gibson, who had been since copied by Burn and other writers on ecclesiastical law—might appear at first sight to make against that doctrine. That eminent writer said, "that it is a peremptory doctrine delivered throughout the books of common law, that since the dissolution, all impropriations, at least in the hands of laymen, have become mere lay-fees, or inheritances of a mere temporal nature, from whence it is inferred that the ordinary hath no power to make any augmentation of a vicarage out of a rectory which is in the hands of a lay impropriator." Bishop Gibson, however, and the writers who have copied him, could not mean that lay impropriations were, to use the words just cited, under no more liabilities generally than "mere lay fees," or inheritances of a mere temporal nature. Why, in the first instance, they were liable to the repair of the chancel; and it was stated on the high legal authority he had just quoted, that they might be sequestred, and the revenues derived from them consigned, temporarily at least, to other hands, till the repairs were executed. To assert, therefore, that they were mere lay fees, and to infer from thence that they were not more tangible for contingent obligations than other freehold property, was contrary to the fact. What these liabilities were would be best learned, and might indeed be learned with certainty, from their origin. Henry VIII., on the dissolution of the monasteries, by taking from the religious houses—that is, on their compulsory resignation—what was theirs, took it also, and must have conveyed it to others, with all its liabilities, limitations, and burdens, as well as its privileges; and among those liabilities the adequate support and maintenance of a minister for the performance of divine worship in the parochial churches was, beyond all doubt, one. Wherever a regular minister was instituted, he was entitled to sue for a *congrua portio* of the tithes for his support. On these grounds he thought it right, on an occasion like the present, when a general commutation of tithe was about to take place, that the *congrua portio*, or adequate part, to the parish priest should be assigned out of all lay impropriations. The reasonableness and justice of such a measure, he himself felt he had demonstrated. Its public utility would be almost past calculation; but it might, in some degree, be estimated by the evils which were felt, and the dissatisfaction on account of those evils, resulting from the non-residence of the clergy, and the consequent necessity of pluralities. Neither did he believe that the impropriators themselves, if they considered the matter justly, would find their rights very injuriously affected by the clauses which he now proposed, but, on the contrary, they would only be the more permanently established and secured by them; for if, while the insufficiency of every other species of benefice to maintain its minister was gradually removed by the measures now in hand, the incumbents of lay impropriations were still suffered to starve or to exist on a pitiful pittance, the people would begin to ask themselves the question why they paid tithes, or whatever else the noble Lord's Bill might substitute for tithes, to these persons, lay impropriators, when whole parishes of which they were the impropriators were allowed to derive no corresponding good from the payment, were deprived, or nearly deprived, of all religious instruction. It was only, therefore, by the just relinquishment of a very small portion, that they could ultimately secure the rest; and by the partial restoration of these impropriations to their legal use, that the residue could be secured to the proprietors. The clauses proposed would of course speak for themselves. He only hoped that it was thoroughly understood that he did not mean in every or in any case to take *300l.* a-year out of the impropriators' receipts, but simply to raise the existing income of the living to that sum wherever the clerical duties were satisfactorily performed. The hon. Member moved the following clauses:

" And whereas, by an Act passed in the 1st and 2nd years of the reign of his present Majesty, entitled " An Act to extend the provisions of an Act passed in the 29th year of the reign of his Majesty King Charles 2nd, entitled ' An Act for confirming and perpetuating Augmentations made by Ecclesiastical Powers to small Vicarages and Curacies,' and for other purposes, ecclesiastical corporations, and certain other corporate bodies, being owners of rectories impropriate or of any tithes, or portions of tithes, were and are enabled under certain restrictions to annex such rectories, impropriate tithes, or portions of tithes, or any part thereof, to the church or chapel of the parish or place in which the rectory impropriate shall lie, or in which the tithes, or portions of tithes, shall arise:

" And whereas a great number of small vicarages and perpetual curacies, and other benefices, have been augmented by ecclesiastical corporations under the provisions of the said Act, and great benefits have resulted from such augmentations; and it is desirable that further augmentations of a like nature should be encouraged, and with that view it is expedient that such facilities as are hereinafter mentioned of augmenting small vicarages and perpetual curacies, and other benefices, should be given to lay impropriators and others: Be it therefore enacted, that it shall be lawful for any lay person or persons (not coming within the provisions of the said Act of the 1st and 2nd years of his present Majesty) who is, or are, or shall be, the owner or owners of, or who shall have any absolute power of disposition at law and equity over any rectory impropriate, or any tithes, or portion of tithes, arising in any particular parish or place, or any rent-charge for which the tithes shall have been commuted under the provisions of this Act, by a deed duly executed, to annex such rectory impropriate or tithes, or portion of tithes, or rent-charge, or any lands or tithes on rent-charge, being part or parcel of any such rectory impropriate, unto any church or chapel within the parish or place in which the rectory impropriate shall lie, or in which the tithes or portion of tithes, or rent-charge shall arise, to the intent, and in order that the same may be held by the vicar, perpetual curate, or other incumbent for the time being, of such church or chapel; and every such deed shall be effectual to all intents and purposes whatsoever, any law or statute to the contrary notwithstanding. And be it enacted, that any person or persons otherwise within the provisions of the last preceding section of this Act, shall be deemed for the purposes of this Act to be the owner or owners of, or to have the absolute power of disposition over any rectory impropriate, or tithes, or proportion of tithes, or lands, notwithstanding such rectory impropriate, tithes, or portion of tithes or lands, may at the time of the annexation thereof be subject to some existing lease or leases; provided that in any case in which any rectory, impropriate tithes, or portion of tithes, or lands shall be annexed to any church or chapel, pursuant to the power in that behalf hereinbefore contained, the annexation thereof shall be subject, and without prejudice to any lease or leases which previously to such annexation may have been made or granted thereof. And in every such case, any rent or rents, which may have been reserved in such lease or leases of the premises so annexed, or (in case any other hereditaments shall have been also comprised in such lease or leases) some proportional part of such rent or rents, such proportioned part to be fixed and determined in and by the instrument by which the annexation shall be made, shall, during the continuance of the said lease or leases, be payable to the vicar, perpetual curate, or other incumbent for the time being of the church or chapel to which the premises shall be annexed as aforesaid. And, accordingly, such vicar, perpetual curate, or other incumbent for the time being, shall, during the continuance of such lease or leases, have all the same power for express payment of the same rent or rents, or of such proportional part thereof as aforesaid, as the person or persons by whom the annexation shall have been made, or any of them might have had in that behalf in case the said premises had not been annexed.

" Provided always, and be it enacted, that in all cases in which any rectory, or tithes, or glebe, or any rent-charge for which tithes shall have been commuted under the provisions of this Act, shall be in the hands of any lay person or persons not coming within the provisions of the said Act of the 1st and 2nd years of his present Majesty, and it shall appear to the Bishop of the diocese in which the same shall lie or arise, that the income of the vicar, perpetual curate, or other incumbent of the parish or place, where such rectory, tithes, glebe, or rent-charge, shall lie or arise, is not adequate for enabling such vicar, perpetual curate, or other incumbent efficiently to discharge the duty of the church or chapel belonging to such parish or place, it shall be lawful for such Bishop, and he is hereby directed and required, by writing, under his hand and seal, to give notice thereof unto his Majesty's Commissioners appointed to consider the state of the Established Church, with reference to the ecclesiastical duties and revenues, who shall thereupon give to the person or persons who shall be in the possession or receipt of the rents, issues, and profits of such rectory or glebe, or in the receipt of such tithes or rent-charge, or who shall otherwise be known, or supposed by such Commissioners to be the owner or owners of, or to have an interest in, such rectory, tithes, glebe, or rent-charge, notice of the inadequacy of the income of such vicar, perpetual curate, or other incumbent, stating summarily in such notice the particulars and extent of the duty which devolves upon such vicar, perpetual curate, or other incumbent, and thereby requiring the person or persons to whom such notice shall be given to augment the income of such vicar, perpetual curate, or other incumbent, by all, or some, or one of the ways or means pointed out in the provisions of this Act: provided always, and be it enacted, that the power of annexation, hereinafter contained, shall not in any case be exercised so as to augment in value any vicarage, perpetual curacy, or other benefices whatsoever, which at the time of the intended exercise of the power shall exceed in the clear annual value the sum of 300*l.*; and shall not in any case be exercised so as to raise the clear annual value of any vicarage, perpetual curacy, or other benefice, to any greater amount than the sum of 300*l.* And be it enacted, that in every case in which it shall be desired, upon the exercise of the aforesaid power, to ascertain, for the purposes of this Act, the clear annual value of any vicarage, perpetual curacy, or other benefice, it shall be lawful for the Bishop of the diocese within which the same shall be situate, for the information of the said Commissioners, to cause such clear annual value to be determined and ascertained by any two persons whom such Bishops shall appoint for that purpose, by writing, under his hand, which writing is hereby directed to be afterwards annexed to the instrument by which the power shall be exercised. And a certificate of such clear annual value, written or endorsed on the instrument by which the power shall be exercised, and signed by such persons as aforesaid, shall, for all the purposes of this Act, be conclusive evidence of such clear annual value as aforesaid.

"And be it enacted, that in every case where the power of annexation hereby given shall be exercised, the instrument by which the same shall be so exercised shall, within two calendar months after the date of the same, be deposited in the registry of the diocese within the vicarage, perpetual curacy, or other benefice augmented, shall be locally situate. And an office copy of any such instrument deposited in any such registry as aforesaid (such office copy being certified by the registrar or his deputy) shall be allowed as evidence thereof in all courts and places. And every person shall be entitled to require any such office copy, and shall also be allowed at all usual and proper times to search for and inspect any instrument which shall be so deposited. And the registrar shall be entitled to the sum of 5*s.* and no more, for depositing any such instrument as aforesaid, and to the sum of 1*s* and no more, for allowing any such search or inspection as aforesaid, and to the sum of 6*d.* and no more (besides the stamp-duty) for every law folio of seventy-two words in any office copy to be made and to be certified as aforesaid.

"Provided also, and be it enacted, that this Act, so far as regards augmentations of vicarages, perpetual curacies, and other benefices, shall extend only to that part of the United Kingdom called England and Wales."

Lord *John Russell* said, he would oppose the bringing up of the clauses. They did not at all refer to the Bill then before the House. They referred solely to lay-impropriations, and he thought that lay-impropriate tithes could not be applied to the uses of the Church. Lay impropriate tithes were now objects of mortgage and sale like any other property in the market, and there was no power in the law to compel lay impropriators to contribute to the Church in the way which the hon. Member for Berkshire proposed. He had received a letter on this subject from a lay impropriator who had a nominal income of 500*l.* a-year, but after paying the clergyman 100*l.* a-year, he had only 100*l.* left to himself; but if the proposition of the hon. Member for Berkshire were carried, of paying the acting Minister out of the lay impropriate funds, the impropriator would have to pay the difference out of his own pocket. He (Lord John Russell) objected to the bringing up of the clauses therefore, because they proposed to deal with property which could not be considered as Church property. It was property held and disposed of under circumstances totally different from those which related to property belonging to the Church.

The question that the clauses be brought up was negatived.

The Bill to be read a third time.

HOUSE OF LORDS,

Monday, June 27, 1836.

MINUTES.] Bills. Read a third time:—Sale of Bread.

Petitions presented. By several NOBLE LORDS, from various Places, against their Lordships' Amendments to the Irish Municipal Corporations' Bill; and by several NOBLE LORDS, from a Number of Places, in favour of those Amendments.—By the Earl of HAREWOOD, from Rishy, for Alteration of Ecclesiastical Courts' Consolidating Bill, as regards Probate Duties; and from Leeds, that some Measure may be adopted for the suppression of Intemperance.

MUNICIPAL CORPORATIONS IRELAND.] Viscount *Melbourne:* I now rise, my Lords, for the purpose of calling your Lordships' attention to the amendments which have been made by the Commons in the amended Bill sent down by your Lordships. The great extent and number of the amendments which were in the first instance made by your Lordships, and the great extent and number of the amendments which have been made by the other House of Parliament in the present Bill, have necessarily caused a considerable time to elapse before this matter could be brought, with all the necessary information, under your Lordships' consideration. I cannot say that I regret in any respect this lapse of time; I cannot say that in any respect I do otherwise than rejoice in this delay, because it has afforded time for anything like irritation to subside—for anything like feelings of anger to die away, and renders it more likely that your Lordships will do that which in any case I should have expected, but which I do in this expect, with the utmost confidence—namely, that you will give these amendments that cool, that calm, and that impartial consideration which their importance and the authority from whence they are derived clearly and evidently demand at your Lordships' hands. My Lords, we concur in the wish expressed by the noble Duke opposite, on the presentation of a petition in the earlier part of this evening. We hope that your Lordships will not suffer yourselves to be in any respect intimidated by clamour; that you will not suffer yourselves in any respect to be affected by threats; that you will not suffer yourselves in any respect whatsoever to have your judgments biassed, warped, or irritated by any recent propositions which may have been made, but which, in my opinion, fall in their very statement by their own absurdity, and therefore require no further allusion from me. But, my Lords, while we express this wish on the one hand, we hope, on the other, that your Lordships will not suffer yourselves to be so affected by any considerations of this nature, or by any observations that may have been made, as to be induced not to give these amendments that full, that calm, and that impartial consideration which they deserve. If you shall find, upon consideration, that you have taken a hasty and an erroneous view of this subject, you will, I am sure, be the first to act the manly part of retracting what you feel to be a mistake, and of evincing a readiness to yield to reasons which appear to you to be more sound, more just, and better founded. With these few preliminary observations, my Lords, I will proceed to call your attention to these amendments. I think it is impossible but that you must admit the fairness and justice of the very calm and temperate statement with which the Commons have prefaced them. I think, too, that your Lordships must feel, if these proceedings should really terminate and conclude in a difference between the two Houses, that you have commenced this warfare, rather in a rough, rather in a rude, and rather in an offensive manner. My Lords, you sent down to the other House of Parliament a Bill totally changed in its nature, altered in all its provisions, changed in its title, altered entirely in the whole of its principles, bearing no resemblance or similitude to the Bill sent up to you from the House of Commons except in its subject matter, and excepting so far that it is also a Bill having reference to Municipal Corporations in Ireland. It is impossible that your Lordships can do other than feel that this is a very strong mode of proceeding, and one which, if it were adopted towards your Lordships, I feel quite certain, not only that you would refuse to acquiesce in, but that you would reject with the utmost indignation. If your Lordships do not feel on this subject that it is a strong measure you have taken, if you do not feel that it is a measure in a great degree offensive in its character, if you do not feel that it is one in which you could not expect the other House of Parliament to acquiesce—then, my Lords, I will only say, that I view with considerable surprise, and can very imperfectly understand, the nature of the judgments which arrive at such a conclusion. I have only now to state the amendments which the Commons have proposed to your Lordships in this Bill; those amendments are so very distinctly, clearly, succinctly, and fairly stated in the concluding reasons alleged by the Commons, that I cannot give your Lordships a better general idea of them than by reading the paragraph to which I allude. "In the Bill, as now amended, the Commons have consented to confine the establishment of town-councils to twelve considerable cities and towns, of which their wealth and importance render them well suited to such system of local government." Carrickfergus, I understand, possesses considerable wealth and property, and is, moreover, an assize town, It is for these reasons that these towns have been selected for the purpose of having established in them those institutions which we contend are essential to the interests of the country at large, and which we contend are more particularly essential to the interests of Ireland, where local government is more particularly required. "The Commons have further provided for the local government of twenty cities and towns of lesser extent and population by applying to them the enactments of a statute specially relied upon in the amendments of the Lords." Seventeen of these towns are Parliamentary boroughs; three of them do not return Members to Parliament, but they are, I understand, in point of wealth and importance, next to the other towns; and therefore the Commons have thought proper to include them in this schedule, thereby insuring to them the benefit of local and municipal government, free from all the inconvenience and disadvantages of the Act to which they refer. The provisions of that Act being left to the rate-payers to carry into execution, were, as your Lordships know, very seldom adopted at all. You are very probably aware, from a perusal of the amendments, of the measures which are proposed to render the adoption of the Act compulsory, and it is therefore unnecessary for me to detail them. In addition to empowering two justices of the peace to call a meeting of persons, who are in fact compelled to adopt the provisions of the Act, there are in the amendments of the Commons others of great importance, including one in reference to the appointment of coroners, which, contrary to all former precedent, is vested by your Lordships' Bill in the hands of the Lord-Lieutenant. But as the question now is, whether your Lordships will adopt the general principle of these amendments, or whether you will reject them, I will not waste your time with minor details, which, if you are prepared to adopt the general principle, will be easily settled hereafter, and which if you are not prepared to adopt it, it is wholly unnecessary for me to repeat. This question has been already so very amply and fully discussed in so many debates in both Houses of Parliament, and the grounds on which we have argued the question are so very distinctly, clearly, and forcibly laid down in the reasons alleged by the Commons, that it would be only wasting your Lordships' time if I were to do more than briefly recapitulate the very strong reasons which should induce you to accede to these amendments. In the first place, your Lordships' amendments adopt a different principle with respect to Ireland from that which prevails in any other part of his Majesty's dominions; different from that which prevails in England different from that which prevails in Scotland, different from that which prevails, I apprehend, in any of the colonies belonging to England. In adopting that principle, my Lords, you are taking a step which is undoubtedly hurtful and mortifying to the feelings of the Irish people. Now I ask you is that wise or prudent—is that wise or prudent in what you yourselves represent to be the state of Ireland at present? Is it wise or prudent, when the wounds of the people of that country are just beginning, as it were, in a certain degree, to cicatrise, to tear them open afresh, as you must inevitably do, by this course of proceeding? Even if your Lordships' measures were in some degree preferable to those which we propose, would it be wise to obtain them at this sacrifice? Is it, I ask you, wise or prudent to do that which, although it may not create a great feeling at the present time, (as a noble Friend of mine thinks, whether justly or not I will not say), still will hereafter be referred to, and looked back upon and quoted as an instance in which the British Legislature has undervalued and insulted the feelings of the people of Ireland, by making a marked difference between them and the people of the other parts of the empire? In the next place, even if you give up the advantages of local municipal government, which we ask you to preserve, will you give up the advantage of distinction—will you give up the advantage of authority—will you give up the advantage of influence, all of which we have already argued, and I say justly argued, are more highly prized in Ireland than in any other part of the King's dominions? And further, my Lords, will you depart most plainly and decisively from the principles of the Act for the removal of the Catholic disabilities? My lords, the main principle of that Act was, that every office of distinction, every office of power, every office of emolument, should be thrown open to the whole people of the country without any distinction of religion. What do your Lordships do? You immediately make a distinction, and found it most plainly and distinctly upon the religious differences which exist in Ireland. My Lords, I am surprised that the noble and learned Lord (Lyndhurst) who brought forward the amendments in this House, should have adopted the principles involved in them. The noble and learned Lord, as we well know, has held very different opinions at different times on the subject of these Roman Catholic disabilities. On the 6th of March, 1827, the noble and learned Lord, then Master of the Rolls, made a speech against concession to the Roman Catholics in the House of Commons; again, on the 10th of June, 1828, the noble and learned Lord, sitting on the Woolsack in this House, as Lord Chancellor, made another speech, also, against the concession of the Catholic claims. The first of these speeches appears to me to be very cursorily and imperfectly reported; the second is reported more clearly and forcibly, and seems to be sanctioned by better authority. Both these speeches go very strongly against the principle of the proposed concession; the second puts very strongly the danger of concession without adequate security; and it was on this ground that the noble and learned Lord refused his assent to the measure. On the 3rd of April, 1829, the noble and learned Lord, still sitting as Chancellor upon the Woolsack, makes a most decisive speech in favour of the concession of these claims; he puts them upon the broadest principles, and boldly states "The Roman Catholic was in no manner incapable of exercising the privileges of a free citizen in a free state. His opinions regarding civil power and civil matters accorded with those of other men; and in no manner, therefore, did they incapacitate him from discharging the duties of a legislator."* My Lords, if they do not incapacitate him from discharging the duties of a legislator, they surely do not incapacitate him from discharging the duties imposed upon him by this Bill. In mentioning the noble and learned Lord's speeches, I have no intention whatever of reproaching him for the suddenness with which he changed his opinions; such a reproach would come with but an ill grace from anybody, but perhaps it would come peculiarly ill from me, for I have myself changed my opinions on great public questions; I have felt it my duty to do so, without being actuated by any interested motives, and the allowance which I claim for myself I am perfectly ready to make for others. But what I have always observed, and what I have always found relative to these inconsistencies in public men—which, after all, are rather awkward features in a man's public life, which always afford points upon which attacks may be made, which always require defence, the more particularly as they generally wear at first rather a questionable aspect, and one difficult to be explained—what I have always observed, and found, my Lords, has been, that the error in conduct invariably is not in the second step, but in the first. The first change of opinion is generally right; it is generally founded upon sound principles; it is generally called for by circumstances; but the error is in having rapidly, in early youth, or under the impressions of party, or perhaps in deference to the authority of others, pledged yourself irrevocably and voluntarily to measures, to opinions, and to principles, which afterwards, on maturer consideration, and under altered circumstances, you find it impossible to support or maintain. What I complain of in the noble and learned Lord on the present occasion is, not that he changed his opinions rapidly, but that in all the arguments he now advances he seems disposed to recede from those sounder and better opinions which he professed in 1829, and to return to those which he held in 1828 and 1827. And, my Lords, whatever may be the dangers of Ireland at the present moment—whatever may be the feelings of the Roman Catholic population—whatever may be the power possessed by the Roman Catholic Clergy—and whatever may be the manner in which they employ those powers, let the noble and learned Lord depend upon it that the remedy for those evils is to be found in other measures than in a return to anything like those exclusive principles which prevailed before 1829, and before the Act of 1793. My Lords, the noble and learned Lord, on a former occasion, made a speech which has excited a great deal of observation, both within and without the walls of this House. I wish to advert to it, not with reference to any expressions to which it may have given rise—not with the view of making any attack upon the noble Lord, or of exciting anything like feelings of animosity or indignation on the present occasion, but merely for the purpose of adverting, coolly and calmly, to what I conceive to have been his argument. The noble and learned Lord said—"We were told, when the Roman Catholic Relief Bill passed, that it would be perfectly acquiesced in—that it would be completely and wholly satisfactory, and that all would be peaceful and tranquil; whereas, on the contrary, we have had more tumult than ever; we have had measures most injurious to the Protestant Religion; we have had the spoliation of the Protestant Establishment; we have had all the attacks upon tithe; and now, at last, it has come to this—that the population of that country stand in array against each other, in a state of uncompromising hostility." My Lords, I must beg leave to say, that I have some observations to make upon every stage of this speech. In the first instance, the noble and learned Lord says, "We were told," and so forth; as if he had not himself, in the speech of 1829, to which I have before adverted, held out as strongly as any body could a prospect of the peace and tranquillity which were to ensue from the passing of that measure. My Lords, it is very natural, when people wish measures to be passed which they intend should operate as measures of conciliation, which they intend should be considered as a boon, that they should be inclined to exaggerate the effects of that boon; and in speaking of such provisions they are apt to draw pictures of tranquillity and happiness which are not likely to be realised. But, my Lords, I confess I do not recollect any sound or distinct argument which was held out at that time from which it was to be inferred that the measure would necessarily be the immediate instrument of peace, satisfaction, and tranquillity. I ask your Lordships to reflect, that it is out of the question that such results should have ensued from it, that it is totally contrary to the history of man, that it is totally contrary to the experience of ages that any such effect should have been caused by a measure which affected the situation of so large a portion of the population, and which was an admission into power of a vast number of persons who had been previously excluded from it. It would have been perfectly unnatural to expect that it should have done so at once, without any checks, without any changes, without any alterations. Look to our history, my Lords—look to those periods to which we now look back, with the greatest pleasure, satisfaction, and gratitude. Look to those events which are never mentioned in this House without praise and admiration, especially from many noble Lords whom I see on the opposite side of the House. Consider the Reformation—consider the Revolution. Those events, when we look back upon them, diminish to a single occurrence; but they were a series of frightful and tremendous events notwithstanding. To the Reformation we all look back with the greatest satisfaction and gratitude. I, myself, am sincerely and devotedly attached to the principles of the Reformation; I am sincerely and devotedly attached to the spirit of free inquiry and the right of private judgment—principles which I consider characteristics of the Reformation—principles which I trust will be maintained by those from whom we have a right to claim their support; although feelings of a very different nature may show themselves in the bosom of the Church, or of the Universities. What, my Lords, were its immediate effects? Bloodshed, civil discord, dreadful rebellion! rebellion in the eastern and western counties, rebellion in the Scottish counties that was successful for months, and superseded for a time the authority of the King of that day in this country. A series of events occurred, my Lords, which I will not recapitulate, but which render it to my mind perfectly clear, that the benefits of the Reformation were never really felt or established until the Revolution. This great event, certainly the bulwark and security of our liberties, if not the foundation of them, was at the moment the cause of a most dreadful state of political society—father was in arms against son, and son against father, and all the ills of a disputed succession. We may call that Revolution bloodless in itself, but we must recollect that it was purchased at the expense of two long, protracted, and bloody wars, under the effects of which we are suffering at the present day. My Lords, I do not place Catholic Emancipation on the same level, but I consider it as an event of sufficiently similar character to justify me in saying that, judging from history, it was not in human nature, nor was it to be expected, that things would at once subside into that state of peace and tranquillity, the non-result of which has, according to the noble and learned Lord, occasioned so much disappointment and surprise. The noble Lord mentions, among the evils which have flowed from the Catholic Emancipation Bill, the Church Temporalities Bill, and the diminution of the Church Establishment in Ireland—

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* Hansard (New Series), vol. xxi. p. 215.

Lord *Lyndhurst*: Doubted he had said so.

Viscount *Melbourne*: Does the noble and learned Lord retract it?

Lord *Lyndhurst*: I do not retract. I doubt that I ever said so.

Viscount *Melbourne*: Of the Church Temporalities Bill, my Lords, I may say, in the first place, that it was an Act of the Legislature; and I believe the effects of that measure, notwithstanding the strong feelings that prevail in Ireland, have been in the highest degree salutary and beneficial. I believe that it has given the clergy more power and more weight, and that they are much more likely to support the cause of religion now than they were before its passing. I declare solemnly, my Lords, that in this, and in all the measures I have introduced, or may propose, I have had no other object in view than that of relieving the Protestant religion from that which evidently does not facilitate its progress, and which has been already sufficiently long tried, and applying the resources of the Establishment to means that may better conduce to the purification of the religion of the country. The noble and learned Lord, in the speech to which I refer, also alluded to the question of tithes, a most painful subject certainly, on which I will not further debate upon the present occasion. I will not ask you, my Lords, whether you might not have prevented much of this evil by seizing the opportunities which have been presented to you for that purpose. With respect to the noble and learned Lord's last assertion, that the population of Ireland stand arrayed against each other in a state of uncompromising hostility, I believe that is a most exaggerated statement, and one which is in no respect borne out by the real state of feeling in Ireland. The observations which were made by the noble and learned Lord were, as I have taken occasion to say before, of the greatest importance, from his well-known abilities and the station he has filled in this country. I have therefore thought it right, without the least degree of asperity or acrimony, and without the slightest reference to any expressions that might appear to form a ground for other observations, to state in what respect, and why, I differ from the noble and learned Lord on this occasion. My Lords, I have already stated the great principle and the grounds on which the Commons have founded their amendments. I have already stated, that your dignity, your weight, your influence, your authority in this country, are sufficiently fixed and founded upon all the advantages which result from your character. Nobody can injure it, my Lords, but yourselves. The possession of present power and the right of individual property are apt to mislead all men. My Lords, I implore you not to be led away by the undisputed sway you possess in this House, to mistake your position with respect to the other House of Parliament. I beg leave to call to your recollection, for the purpose, if possible, of opening your eyes a little, some facts which I really think seem to have escaped your memory. In the year 1834, the Government of this country was dissolved by circumstances which it is unnecessary for me to repeat. The noble Lords coming into office chose to do that which I shall ever consider as a most violent and unjustifiable act, of which, if I were in their situation, I would not have been the author—the violent and unjustifiable act of dissolving the Parliament. My Lords, I say, that if they could not form their Government without dissolving that House of Commons, they were bound to give up the attempt. However, they did dissolve that Parliament. A new Parliament was chosen, under all the power and influence, whatever that may be (much exaggerated, I believe), which the possession of Government gives. They met that Parliament; they were in a minority of seven; they were in a minority of ten; they were in a minority of thirteen. This year their minority commenced at about forty-five, and it had grown in the last division to nearly double the number. Now, I ask your Lordships to consider, what has been the cause of this progression? I ask you to consider, whether it is not owing to your own imprudence—whether it is not owing to your own misconduct—whether it is not owing to your own blindness—whether it is not owing to the manner in which you seek to separate yourselves from the whole body of the people—from the manner in which you have tried to do every thing that is unpopular, and abstained from doing anything that has in it the elements of generosity and popularity. I wish you to consider, whether this is not the cause; and, my Lords, it will be well for you to think, of the causes which have occasioned this retrograde movement in the other House of Parliament, while, at the same time, it is very remarkable that the whole of the intermediate elections have, for the most part, been in your favour. There is another point, my Lords, to which I wish to refer. We are often told, and we have been frequently informed in the course of the present Session, that you have with you, and we have against us, the great majority of the intelligence, the power, the weight, and the importance of the country; that you have with you the majority of the gentry, that you have with you the majority of the clergy, that you have with you, distinctly, the voice of the two Universities. My Lords, I will not deny that this may be the truth; nor will I stop to inquire what really is the truth of the matter. But if you have this support, I implore your Lordships not to be too confident, and not to rely upon it too far. I have the greatest respect for the majority of the gentry of this country; I have the greatest respect for the clergy; I have no disrespect for, nor do I feel anything of ill-will towards, the Universities; but depend upon it, my Lords, these interests are not omnipotent in this country; nor were they omnipotent when other interests, such as those of towns and cities, the interests of commerce and manufactures, the interests of the Dissenters, and the general opinion of the people, were all as nothing compared with what they are now. My Lords, great measures have been carried in opposition to their interests; whole dynasties have been changed, families have been placed, ay, and maintained, upon the throne in opposition to the majority of the gentry; most distinctly and certainly in opposition to the great majority of the clergy, and in opposition to the decided opinion of the two Universities. My Lords, I only pray you not to rely too much upon the opinion and support of your party. I earnestly entreat you, to unite together the interests and feelings of all classes of society; and I entreat you to take the first step towards this desirable result by acceding to these amendments which have been sent up from the Commons, and thus establishing your weight, your authority, your power, and your dignity in the feelings and affections of the people of Ireland. The noble Viscount concluded by moving that the amendments be now taken into consideration.

Lord *Lyndhurst* said, my Lords, the noble Viscount, instead of calling your Lordships' attention to the detailed amendments contained in the paper on your Lordships' table, has thought proper to employ the greater part of his speech in a personal attack upon myself, and the course which I have pursued upon this occasion. The noble Viscount has recalled to your Lordships the part in the proceedings which I took with respect to the Roman Catholic Relief Bill, and has pointed out, for disapprobation, as I understand him, the inconsistencies of my conduct with respect to that measure, I can only say, my Lords, that I acted, in the course I followed, with men of as much honour, of as much attachment to the constitution, as deeply read in the laws and history of Britain, as independent in their views and conduct as any body of men that ever existed in this country. When that vast measure was adopted it was adopted by noble Lords in connexion with me, after a calm, cool, and deliberate investigation of the whole question; and because we felt it to be our duty to represent to our Sovereign the necessity of pursuing that course, because we felt that we had no alternative at that moment with reference to the situation in which this country was placed, it was that we adopted that measure. At the time we did it, it is quite impossible to suppose that we were influenced by interested motives, because there was not one among us who did not feel and know that the probable result of the course we were pursuing would be, that we must retire from office, and that the noble Lords opposite would succeed to our position. Still, however, considering the subject, maturely, deliberately, and in all its circumstances, we felt that we were bound to pursue that course. The noble Viscount has stated that I said upon a former night, that the consequences which resulted from that measure were contrary to the expectations which I formed. I repeat that observation. The consequences which have resulted from that measure, the conduct of those individuals who were parties to it, and who were eager for its accomplishment, have disappointed my expectations; and I cannot do better for the purpose of illustrating what I mean upon this occasion, than to recal to your Lordships' recollection a quotation made at that time, descriptive of the consequences that would result from granting the measure of emancipation to the Roman Catholics of Ireland:—

———— simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor:
Concidunt venti, fugiuntque nubes,
Et minax, quod sic voluere, ponto
Unda recumbit."

That was the quotation made for the purposes of illustrating the consequences that would result from the passing of the measure of Catholic Emancipation. Mark the effects which have flowed from it, and say, whether they are not directly the reverse of all that are denoted and indicated in the passage to which I have referred. Step by step, since that time, encroachments have been made upon the Protestant establishment, and continued with pertinacious animosity, contrary to the pledges at that time made as an encouragement to pursue the course we then adopted. The noble Viscount further goes on to say, that at the time we entered office, in 1834, we pursued a most unjustifiable course in advising his Majesty to dissolve his Parliament. He made that statement and assertion, but upon what grounds he has advanced the statement, and what are the reasons assigned for the assertion, we are left in utter ignorance. What, my Lords, can be more regular, what more proper, what more in accordance with the principles of our free constitution than this—that when his Majesty is advised to make a change in his Councils, an appeal should be made to the sentiments and wishes of the people of England to sanction and support an act so done by his Majesty? It was in accordance with that principle, almost uniformly acted upon on a similar occasion, that Ministers then advised a dissolution of Parliament. It appears to me a constitutional course, a legitimate course, a wise and proper course to pursue. I state this my Lords, not in opposition to the reasoning of the noble Viscount, for he supported his opinion by no reasoning upon this point, but in opposition to the bare statement and assertion of the other side of the House. With respect to the course we are now pursuing, the noble Viscount has told us that we are not to give way to intimidation or to threats, and yet the greater part of the conclusion of his speech consisted in nothing but a series of implied threats, an attempt to inspire us with feelings of apprehension as to the consequence of the course we are about to pursue. I shall only refer your Lordships back to the commencement of the speech of the noble Viscount, in which, addressing your Lordships in the spirit in which you ought to be addressed, he told you it was impossible to abandon your judgment and opinions upon a measure of state policy from any base and low motives of that description. Contrast that part of his speech with the other—compare the cool and deliberate commencement with the impassioned declamation with which it closed, and will any of your Lordships doubt which is the course we ought to pursue? What, then, my Lords, is that course? It was pointed out to you by my noble Friend (the Duke of Wellington) when presenting a petition in the former part of the evening. For a series of years the towns of Ireland were governed by a certain form of municipal institutions; both Houses of Parliament agreed that those institutions are vicious, and ought to be reformed. Both have assented to this proposition, but they are not agreed upon the means by which it is to be effected. What is the consequence? The present system must continue till the Houses come to a distinct understanding upon this subject. The noble Viscount seems to conceive that we are to a certain extent bound to follow the opinions of the other House upon this subject. I beg leave to say that this House also represents the nation—that we are no less the representatives of the nation than the House of Commons, which is stated to represent the people, and I believe at this moment, whatever may be the noble Viscount's opinion, that we as fully, and no less fairly represent the opinions, the sentiments, the feelings of the great body of the nation, as their representatives in the other House of Parliament. I feel, and the noble Viscount has expressed, the utmost possible respect for the opinions of the other House, and whenever I have the misfortune to differ from them upon any conclusion of state policy—and I am sure my noble Friends around me are impressed with the same conviction—I feel it to be my duty cautiously to deliberate, and fully to consider that difference; but when I am not entirely convinced by the reasons they allege, it is my duty, as an independent Member of Parliament and of this House, to act according to the dictates of my unbiassed judgment. That is the course I have pursued—the course which the noble Lords with whom I am acting, have, I am persuaded, pursued. It is because we feel that the consequence of the measure as sent up to us originally by the other House, and presented to us in its amended form, would be productive of mischief to the united empire, and of great evil and calamity to Ireland itself, and that it would be fatal to the Protestant interests of that country—it is because we are impressed with this conviction that we refused to pass the Bill in its former shape, and it is on the same grounds that we are disinclined to adopt the amendments now proposed to us. The noble Viscount employed the greater part of his speech, not in pointing out the bearings of the altered Bill now before the House, but in accomplishing a purpose to which I have referred, and in adverting to what fell from me on a former night. I am extremely desirous of saying something to your Lordships upon that subject. I am desirous of redeeming the pledge I gave with reference to it, and I am conscious that I owe it in some sort to your Lordships as well as to myself to do so, because, as what I uttered at the time was not reproved by your Lordships, I feel that the censure heaped upon me, and the attacks directed against me, are in some sort also directed against your Lordships. First, as to my accusers. The first of my accusers in order of time was a gentleman a Member of the other House of Parliament, who immediately after the Bill was sent down to the other House, was sent off to Ireland as an apostle of agitation for the purpose of creating a movement in that country. Meetings were called, resolutions were prepared, justice to Ireland,—the usual topic, —equality of civil institutions, and those words to which the noble Viscount has alluded, aliens by descent or aliens by blood, or some expression of that kind, were descanted on, for the purpose of getting up a little agitation. Unfortunately, however, the plot did not entirely succeed. But that Gentleman who had been used to missions of this kind, was not without his resources, for, as has been stated in the course of the evening, he threw another ingredient into the cauldron which he knew was powerful in its operation. He created a little bustle for a day or two, which however, happily has, since in a degree subsided. I bear no enmity to that hon. Member; he was labouring in his vocation; and if I had shown any enmity to him, it would have subsided almost in a moment, from the great pleasure I have derived over and over again from his light and brilliant eloquence, and above all from the abundant amusement he has lately afforded me by his felicitous explanations, and the extraordinary drollery by which the end of that statement was accompanied. That Gentleman was my first accuser. The next, my Lords, was a man of a very different stamp, for nothing can be more strongly contrasted with the well-tempered weapon of the Gentleman to whom I have referred, than the coarse rusty blade of his associate. I have not powers of description adequate to the task of painting him, but I wish I were for the moment possessed of those which the noble Viscount so eminently enjoys. I shall never forget, and your lordships, I am sure, never will, the portrait which he drew on a former night of this person—how he appeared wrapped in mystery, and heralded by potents, visiting our planet once only in the revolutions of a century—those who gazed upon him, doubtful whether he ought to be considered as a benevolent or as a malignant genius—"a spirit of health or goblin damned." According to the quotation of the noble Viscount, the noble Lord seemed almost as if he would say, wrapt in a spirit of adjuration, pursuing the quotation—"I'll call thee king, father!" I wish I possessed the powers which the noble Viscount displayed upon that occasion; but this person has so scathed himself, has so exhibited himself in a variety of postures, not always the most seemly and decent, amidst the shouts and applause of a multitude, that all description upon my part is totally unnecessary. But these exhibitions have not been bootless to him; he has received lavish contributions, I may say, ducal contributions from the connexions of the present Government, while at the same time he has wrung, by the aid of the priests, the miserable pittance from the hands of the starving and famishing peasant. This person has in every shape and form insulted your Lordships, your Lordships' House, and many of you individually—he has denounced you; doomed you to destruction, and availing himself of your courtesy, he comes to your Lordships' Bar, he listens to your proceedings, he marks and he measures you as his victims—"Etiam in senatum venit—notat, designatque oculis ad cædem unumquemque nostrûm." The person whom these expressions originally had at least one redeeming quality—witness the last scene of his life, if you read it in the description of the historian. Mindful of his former elevation and dignity, so able, so politic, so eloquent, he ever retained the virtue of courage. Where was the accusation against me made, and under what circumstances? At a meeting of the inhabitants of Middlesex, in the midst of the friends of free institutions, those declaimers for justice—eternal justice—there did he for the edification of his audience, vent his coarse and scurrilous jests at the murder of a monarch, and at the same time and almost in the same breath, insulted by the insidious venom of his flattery the successor of that monarch, our present most gracious Sovereign. Such is the man who has assailed me, such the circumstances under which the assault was made. Another assailant to whom I must allude, is one of some gentler demeanour, of bland speech, of most amiable manners, a little too strongly tinctured with ultra-liberalism. When I say the individual to whom I am now referring is my assailant, I mean that he is my reported accuser; for allow me to be incredulous on the subject, and I am quite sure that you will share that incredulity with me. The noble Lord to whom I refer has long been a Member of the other House of Parliament. As a Whig he must have studied the Constitution and forms of that House. As the leader of it, it is his duty particularly to attend to the order and regularity of its proceedings. He is a writer on the Constitution, and knows the importance of preserving the independence of the two Houses of Parliament. Is it possible, then, to suppose that a person so circumstanced should, availing himself of your Lordships' courtesy, come to the Bar of this House, collect words spoken in the heat of debate, and, then going to the other House, there repeat them, and attack and denounce the Speaker of them? Is that possible? Am I not doing justice to the noble Lord in supposing that he could not so have acted? But this is not all: I have another ground for my incredulity. I long had the honour of a seat in the other House of Parliament, and I know well, from my observations of the conduct of the right hon. Gentleman who then filled the chair, that if any individual, whatever his situation in that House might have been, had come from your Lordships' Bar repeating and attempting to observe upon what he had heard there, he would instantly have been called to order. I am now speaking of past times. But I know the right hon. Gentleman, who at the present moment occupies the chair of the other House of Parliament, and am proud to call him my friend. He is a lawyer by profession, and sat for many years on the Whig side of the House, and therefore must of necessity be acquainted with constitutional law and practice. I cannot, then, but suppose that he would have interfered for the purpose of checking a proceeding of so much irregularity as that which has been attributed to the noble Lord. This is my second reason for being incredulous on the subject. But, my Lords, I have yet another reason. The noble Lord to whom I allude, the Secretary of State for the Home Department, presides in some sort over the justice of the country. He must be well acquainted with the first principles of justice, and no principle was more sacred than this—that a man should not be put on his trial in his absence. I cannot, therefore, easily believe that the noble Lord would have made such a charge in a place, where it was impossible for me to answer it. I am not defending the noble Lord; I am stating reasons for believing that the observations attributed to the noble Lord never could have fallen from him. I cannot, I repeat, imagine that the noble Lord had made a charge against me in my absence, when, of course, I had no opportunity of replying to it, or of explaining my meaning. I am the more confirmed in this opinion, when I recollect that that noble Lord is the author of a dramatic work, in which the grand inquisitor is made to boast of the fair manner in which his court is conducted in comparison with ordinary courts. He observes, that even an act of accusation is not allowed to issue against a person until he has been heard in his defence. The poetical lines, my Lords, are these:—

> "It does not hold its prisoners accused
> "Till they themselves are heard."

I do therefore think, that if that noble Lord had intended to make a charge against me, he would, in common courtesy, and in accordance with the ordinary rules which prevail in both Houses of Parliament, certainly in this, and formerly in the other, not have done so without first giving me notice, in order that I might have had, if necessary, communication on the subject with some Member of the other House. These are the reasons which induce me not to give credit to the report of a charge and accusation having been made against me by the noble Lord. Now, as to the charge itself, what is it? It is this—that I stated as a reason for not granting municipal institutions to the Irish, that "they were aliens by descent, that they spoke a different language, and had different habits from ours; that they considered us to be invaders of their soil, and were desirous of removing us from the country." I made no such statement, nor did I say anything at all resembling it. No expressions ever fell from me upon which any person, not of a weak intellect, or not disposed to misunderstand and misrepresent what I stated, could have put such a construction. That this was the case is obvious, I think, from the conduct of the noble Lords opposite. What did the noble Viscount (Melbourne) do on the occasion when, it it said, those words were uttered by me? He remained perfectly quiet in his place, and made no comment whatever on what are now considered as most extraordinary and unjustifiable expressions. The noble Marquess, who, it will be remembered, took so active a part in those debates, remained equally silent. In fact, no notice at all was taken of what fell from me on the occasion alluded to, and no such feeling was then excited as attempts have been since made to raise. It is true that the noble Marquess some fourteen days afterwards, and subsequent to the scenes which were got up in Ireland, and before the inhabitants of Marylebone had made an allusion to what the noble Marquess has called "never to be forgotten expressions." [The Marquess of *Lansdowne.*—It was only a few days after the discussion that I alluded to them.] It was a great many days after, for it was on the occasion, as your Lordships will recollect, of my presenting a petition from a Roman Catholic priest. The noble Marquess then referred to those words, either in censure or in compliment, expressing his regret that I had used them, and his hope that I would explain them, I replied that I had nothing to explain, and that I would satisfy your Lordships that I had never made the statement attributed to me. The charge against me has been repeated this evening by the noble Viscount opposite. Now, let me direct your Lordships' attention to the statement really made by me, every word of which I will completely justify. It was frequently asked during the debates on the Irish Municipal Bill, and on the occasion to which allusion has been particularly made. "Will you deny to Ireland what you have granted to England?" What was the answer given to that question? It was this—that the Ministers themselves have in their own Bill proceeded on the principle of applying different provisions to Ireland, and have refused, in consequence of the peculiar state of Ireland, to grant the same powers to the Irish Municipal Corporations as they granted to the English Corporations. One of the arguments which I used on the evening alluded to was to this effect—that it was absurd, unless the state of society in the two countries could be shown to be the same, to say that the institutions which are good in the one country must necessarily be good in the other; and I illustrated my meaning by a kind of school-boy reference to the bed of Procrustes. Again, the Ministers proposed to abolish the present Corporations in Ireland: for what reason? Because they are party institutions, and therefore productive of evil. I observed, that there were two parties in Ireland much embittered against each other; and that the establishment of new Corporations according to the Ministerial plan would be a substitution of party Corporations of a new sort, in lieu of those which might be abolished. That was my argument, and that led legitimately and properly to a description of the two parties in Ireland. And what was the description I gave of them? I do not flinch from it; I repeat it. On the one side, I said, there is one fourth of the population of English descent and habits, Protestants in religion, and adhering warmly to the connexion with this country. Is that an accurate description of one of these parties? Who were on the other side? Persons of a different, and, with regard to the English party to whom I referred, of an alien descent. The sense in which these words were used is quite obvious. They differ to a great extent in manners, language, habits, and religion, and they look on us as invaders. I admit that I said they were anxious for a separation, and desirous to drive us from the country. Is this, or is it not, a correct description of the two parties in Ireland? When I gave that description I at least acted fairly. I so thought, and so considered; and who, my Lords, were my instructors? Those persons who now denounce and accuse me. They were my instructors. Who is it that whenever it suits his purpose worked on the feelings and prejudices, arising out of a difference of descent, that called the Protestants of Ireland foreigners, Saxons, Sassenaghs? Who is it that has over and over again, whenever it suited his particular object, declared that he never would cease to excite one portion of the population against the other.

> "As long as Popish spade and scythe
> Shall dig and cut the Sassenagh's tithe?"

Who is it that has applied, with the same view of exciting a feeling of hostility and antipathy, the term "Sassenagh" to a noble

Lord, formerly Secretary for Ireland, and received from that noble individual such an infliction as recalled to one's recollection the lines in an ancient fable—

> "Clamanti cutis est summos derepta per artus,
> Necquicquam nisi vulnus erat?"

Who is it, again, that has denominated this Imperial Parliament, both by word of mouth and in writings, a foreign Parliament; has called this House an assembly of foreigners, and applied the same term to the Protestants of Ireland? Who is it, that in reference to this very Parliament, has made use of the term "alien?" He who is now my accuser. This is my defence, if defence be necessary. Who is it, but another of my accusers, that, speaking of Ireland, described the Irish and the English to be divided against each other, with enmity even stronger than that felt by the Welch mountaineers for their Saxon invaders? Who told us that this enmity was not the consequence of a difference of religion, but was hereditary—that it existed when the two parties were of the same religion? One of my accusers. So much, then, as to the description of the two parties into which Ireland is divided. And now as to the use of the term "invaders." Who is it that called the English "invaders of Ireland;" that dated the misery and degradation of that country from the first day when the English banner was planted on its soil? Who is it that called the "union" an atrocious and most abominable measure; that pledged himself over and over again to repeal that union, though every man knows, and no one better than the individual I refer to, that the Repeal of the Union is, in fact, the entire and total separation of the two countries? Who is it that told Ireland that it should not be a petty and paltry province, but a free and independent nation; and that the Saxons should be taught that lesson? My accuser. His cry for repeal is now dropped, his exertions are suspended; but on what terms and conditions? Mark!—"Justice to Ireland." And what description has that individual, within a very small space of time, given of the meaning he attaches to the words "justice to Ireland?" It is this, my Lords,—the complete and entire government of that country by the Roman Catholics, the extinction of tithe in any shape or form, the introduction of the voluntary system, and the entire demolition of the Protestant Establishment in Ireland. These are his terms, the terms on which alone he is content to lay aside his exertions at present for the Repeal of the Union and the separation of Ireland. Allow me, my Lords, before I leave this subject, to repeat a stanza out of an Irish ballad, which has been quoted in the other House, by the noble Lord to whom I have alluded in reference to this subject. The ballad was sung in the streets of Kilkenny, at the time when a man was being tried for murder, arising out of resistance to tithes.—

> "The day of ransom, thank Heaven! is dated,
> These cursed demons must quit the land:
> It's now these foreign and proud invaders
> Shall feel the weight of each Irish hand."

Have I not, my Lords, made out what I undertook to establish? If I expressed myself too strongly on the subject, are not my accusers the very persons who supplied me with the language they now affect to condemn? I now quit this subject, I hope for ever. With regard to the matter upon which your Lordships will have to decide this night, I must repeat what I have already said, that the noble Viscount has not explained to your Lordships the reasons set forth by the Commons in the paper on the Table. He has, however, touched on one point, to which it is most material that I should advert, because I must say, with all due deference to the noble Viscount and the House of Commons, for which I entertain the sincerest respect, that they seem, in my opinion, to have misunderstood their own Bill, and the nature of their own amendments. The object of the Bill was, as every person who read it must have seen, to establish some system of government in Ireland which should insure peace and tranquillity. That was stated to be the object of this Bill in its preamble. How was that to be effected? By the abolition of the existing Corporations (not, perhaps, in terms but in substance, as every person reading the Bill must be convinced), the substitution of other Corporations in place of them, and the separation from these new Corporations of everything connected with the administration of justice, the entire control over which was given to the Crown. These were the three points to which the Bill was directed. It is said that we, by our amendments, have formed an entirely new Bill. Now what have we done? We have assented to the first part of the measure—the abolition of the Corporations; and to the third—the placing at the disposal of the Crown, everything connected with the administration of justice; but we have rejected the second part of the Bill—

the erection of new Corporations; and have substituted something in its stead. How the Bill, as amended by your Lordships, can be called an original Bill, I leave noble Lords opposite to explain. Do we make it an original Bill, when out of the three measures which it embraced we adopt two, and modify or amend the other part of the Bill? But it has been said by the noble Viscount that a vast number of new provisions have been introduced into the Bill by your Lordships, and this point is dwelt on in the reasons of the Commons. But it followed as a matter of course, the moment we decided that new corporations should not be created, that all the details of the Bill applicable to the construction of those corporations should be expunged, and the clauses directly or indirectly bearing on that matter amounted to no less than sixty. Again, there was property belonging to the corporations, the management of which remained to be provided for, and fifty or sixty clauses were necessary for that purpose. It is not, however, the number of new clauses that can make a bill an original one, but the object to which those clauses are directed. The noble Viscount said something about the title of the Bill being changed, and that point is also adverted to in the reasons of the Commons. Your Lordships might be led to infer from the expressions contained in those reasons, that the House of Commons thought that we were not justified in altering the title; yet there is not a single page of the index to your Lordships' journals which does not contain a great number of instances of alterations effected in the titles of Bills by this House. I will refer to one instance. A Bill came up from the other House of Parliament for disfranchising the Borough of Grampound, and for transferring the right to return two Members to the town of Leeds. That Bill, then, embraced two objects: and what was it that your Lordships did? You adopted the first part, and rejected the second; and gave to the county of York the right of returning two additional Members. Of course a corresponding alteration was made in the title of the Bill; and when it went down to the House of Commons, its reception was objected to, on the ground on which these reasons were founded. However a noble Lord got up and said, that the Bill, as sent to the Lords, was directed to two objects—the disfranchisement of Grampound, and the transferring of the right of representation to Leeds; the other House had assented to one part of the Bill, and had substituted something in place of the second; and he was of opinion that the Bill, as amended, should pass. Who was that individual? The noble Lord who is now the leader of the Ministerial party in the other House of Parliament. The alteration of the title of the Bill now before your Lordships was also adverted to in a former debate, and a noble Baron opposite (Lord Holland) had cited the Danby case. It appears to me that the noble Baron misunderstood the whole bearing of that case. The House of Commons sent up to the Lords a Bill of attainder, which was converted into a Bill of banishment. The Commons objected to this alteration, and gave their reasons for their objection. I should not be surprised that the noble Baron misunderstood the case, if he stopped at the end of the first reason, which stated, that the Bill appeared by its title to be a new Bill,—that it had been converted from a Bill of attainder into a Bill of banishment. The noble Lord's argument was valid, stopping there, but the Commons proceeded to say that they objected because banishment was not a legal punishment for high treason; that the alteration implied that the Commons had not properly investigated the case; and that if parties absconding from justice should be allowed to get better off than those who remained for trial, nobody would remain for that purpose. It therefore appeared, that it was not the mere alteration of the title which induced the Commons to reject the Bill, but the alteration of its enactments in a manner contrary to law, and calculated to lead to an unfair inference with regard to the House of Commons. As to the Bill now before your Lordships, I do not know what its object is in one particular. There are twenty towns in Ireland to which the 9th of George 4th is proposed to be forcibly applied. Are these towns to cease to be corporate towns? Are their charters to be taken away? I understand that it is intended to deprive them of their present corporate character, but on looking to the Bill I cannot find any clause abolishing their corporations. There are clauses depriving the corporations in these towns of their property and of all trusts under local Acts of Parliament, but I wish the noble Viscount to point out the clause by which these corporations are abolished. There are some observations inserted in the reasons with respect to the clause relating to charitable trusts which appear to me to have no proper application to that clause. We made no material alteration in that clause, and I am at a loss to conceive why one clause was struck out, and the original one introduced. But these are details on which I do not wish to trouble the House, because they may be the subject of after consideration. I now come to the two mainpoints for your Lordships' consideration—the application of the statute of 9th George 4th to twenty towns in Ireland, and the giving new corporate charters to twelve large towns in that country. I object most strongly to the forced application of 9th George 4th to any of the towns of Ireland. When our amendments went down to the other House, those twenty towns and other towns in Ireland were left to take the benefit of that Act if they thought proper; but the noble Viscount, and the other House of Parliament, desire to force the provisions of that Act on twenty Irish towns. I cannot bring myself to think that those twenty towns, on whom this forced application is attempted to be made, understand the nature of the provisions of the Act of Parliament; and when we are told that we ought not to introduce an original Bill in the shape of an amendment, what Bill, let me ask, could be more entirely original than this—introduced, too, in the shape of an amendment upon an amendment; and without giving the parties most deeply interested time for considering its effects? The Ministers tell us to act towards Ireland as we do to England; and this very enactment is a violation of the principle which they announce. We have in England a similar Act to the 9th of George 4th; it is called Mr. Portman's Act. Is this ever forced on the people of England? On the contrary, every security was given to the inhabitants of towns, in order that they might not be taken by surprise, and ample time was given to them for considering the effect of applying the Bill to any town. It is only when two-thirds of the population desire the application of this Act, that it can be enforced. But I object to the enactment of the Bill before your Lordships becauses it forces the 9th of George 4th on the Irish towns actually against the inclination of the inhabitants. The noble viscount himself has stated, that only six or seven towns in Ireland have availed themselves of the benefit of that Act. It appears from that statement, that the inhabitants of towns in Ireland, are not disposed to call that Act into operation; and yet, after they have manifested their unwillingness to have the Act applied to their localities, the noble Viscount, by a clause in the Bill before the House, proposes to force its adoption on them. It is a clause of taxation, forcing on the people very severe, and, in some instances, oppressive taxation; and on that ground I object to it strongly. Again, the 9th of George 4th. is in its nature a local Act. It corresponds nearly, in all its provisions, with a local Act of Parliament; and how can I assent to apply a local Act directed to such objects to twenty towns at once? Your Lordships have experienced its failure in one of the towns to which it has been applied. The town of Kingstown chose to adopt it; but in a very short time the inhabitants found it to be a most pernicious Act, as far as related to that town, and they applied for an Act of Parliament to stay the operation of the 9th of George 4th in Kingstown, the preamble of which states that that statute had been productive of most mischievous consequences. And yet it is now proposed peremptorily to force that statute on twenty towns at once, with the professed intention of doing justice to Ireland. But it has been said, though I did not hear it with my own ears, yet I know, on very good authority, that it has been stated, that the compulsory application of this statute, the 9th of George 4th, would not be oppressive to the twenty towns specified in this Bill, because the charges which it would occasion would be paid out of the property belonging to the towns, which property is described as being considerable. Now, what is the fact? Six of these towns have no property at all, and nine of them have not more than 250*l.* a-year each; which property is charged with heavy debts, and includes the tolls which are to be abolished. Thus it appears, that fifteen out of the twenty towns have not funds at all proportionate or adequate to meet the charges which would by this Bill be imposed on them. I do say that the measure, as agreed to by your Lordships, leaving it to the towns in Ireland to adopt or not, as they might think fit, the provisions of the 9th of George 4th, is beyond all comparison preferable to this measure of compulsion. I have now only to say a few words on the other part of the Bill, giving new Corporations to twelve towns in Ireland. This subject has been so often considered, that it would be unpardonable in me again to discuss it. I am satisfied that if your Lordships should adopt this part of the measure, it would be productive of the greatest possible evils. The original preamble of the Bill states the object aimed at to be good and quiet government. Do you believe that by adopting the provisions of this Bill, the towns affected by it would be well and quietly governed? Would the introduction of annual elections, carried on as elections are in Ireland, tend to order and good government, or to tumult, strife, distraction, and party and religious animosity? What would be the constitution of these Corporations? I repeat the argument which in the beginning of the discussions on this subject I urged, and with which I will conclude them—that it would be absurd, after getting rid of the present Corporations, because they are nuisances, are party institutions, to establish in their place party institutions of a nature infinitely more objectionable and mischievous. This is my great ground of objection to the present measure. To what purpose would the new Corporations be applied? Do not the people who govern Ireland say, that every measure must be carried by agitation; and when a difficulty is felt in effecting any object, do they not exclaim "Agitate! agitate! agitate?" If, then, that party should get possession of the government of these large towns, would they not be converted into the most destructive engines of agitation, and most pernicious, as far as the Protestant interest is concerned? But is not this the object of the Bill? Does not the measure speak for itself? Let your Lordships look to its provisions. Why did the noble Viscount create new Corporations by his Bill? Solely for the purpose, as he has said, of creating them. At present the Corporations have nothing to do, except to administer justice. The new Corporations would be deprived of all power in that respect. The business of watching, paving, and lighting, forms no part of the duties of the existing Corporations; that is all performed by trustees under local Acts of Parliament, and is well and effectively performed. What, then, remains for the new Corporations to do?—absolutely nothing, as the noble Viscount has stated himself; but in order to give them something to do, it is proposed to abolish the local trusts, and to make the corporators the trustees. Is it not evident, when those behind the noble Viscount, who push and goad him forward, making him come down to your Lordships' House, and utter such extravagant speeches as the one he has delivered this night—is it not evident that their design is to have these Corporations as places of deposit for the purpose of agitation, whenever agitation may be necessary to gain any particular object? If I were one of those disposed to say that tithes should be extinguished, that they should not be paid in any shape, that the voluntary system should be established, that the Protestant religion should be annihilated, and that, as the last step, the "union" should be repealed, as the consequence and climax of those measures, I would assent to the Bill as it has come up from the other House; I would do more—I would say, let the whole thing be accomplished at once; let us not go step by step. If you pass this measure, will you then stop? It will be impossible. Does not every concession you make add power to one party, and render it more difficult to resist the next demand? It is because I foresee, that at no distant period, this measure would lead to the consequences I have stated, because those consequences are in my mind deplorable, destructive to the interest, independence, and integrity of the empire, that I oppose the noble Viscount in what he now proposes to your Lordships. I will not take this first step. It is not a step of peace and conciliation which will soothe discontent, and lull agitation to sleep. On the contrary, it will provoke agitation, by convincing the people of its success, and encourage it by rewarding discontent. It will not disarm the Catholics, it will erect them a strong fortress, and supply them with the means of battering the Protestant religion. I have considered these circumstances with calmness, with caution, and to the best of my ability. I entertain, as I said when I set out, the greatest possible respect for the other House of Parliament—anything connected with or belonging to myself, I would at once surrender to them; but, my Lords, I am here one at least of the guardians of the interests of the empire, and I feel that it is a duty I owe to my country, whatsoever may be the consequences, and satisfied that the consequences of the measure now propounded will be such as I have pointed out, to oppose the motion of the noble Viscount opposite.

The Marquess of *Clanricarde* said, that when he ventured to present himself to their Lordships' attention, after the eloquent speech just addressed to the House by the noble and learned Lord opposite, he must commence by observing, that eloquent as that speech most certainly was, still he (the Marquess of Clanricarde) had never heard a speech addressed to this or any other assembly, which contained less of argument, or more of mere assertion. The noble and learned Lord had accused his noble Friend, the first Minister of the Crown, with having, in the course of his speech, dealt with assertions. Why the noble and learned Lord had himself dealt in a whole series of assertions against the people of Ireland, while he was unable to adduce one fact in their support. He did not wish to fasten upon the noble and learned Lord the expressions as to aliens, or any other word used by him on a former occasion, and justified by him to-night; but he would say, that the speech just delivered advised their Lordships to take a step that was fraught with danger to themselves, and to the country. The arguments of the noble and learned Lord, coming from the party of which the noble and learned Lord was the champion and the organ in that House, contained nothing new; they had been used for the last fifty years, by those who maintained Protestant ascendancy, and who opposed the measure of Catholic emancipation on the same ground as that now urged—namely, that the people of Ireland were not fit to be intrusted with free institutions. A most eloquent and distinguished Irishman, now no more, had described the Tory party of that day thus:—" That party had for a time been removed, when the exertions of the country (Ireland) recovered her liberty, and in an evil hour returned again, when her exertions proceeded to excess; it returned after a long famine, and with all the poison of its old principles. Character of their own to stand upon, these veterans of power had none: but they had the excesses of some of the populace on which to build, and they formed an administration, not on their reputation, but upon the disrepute of the populace." Precisely the same was now the course pursued—charges of disloyalty, of violence, and of outrage were now advanced against the Roman Catholic population of Ireland, as affording ample reasons why they ought not to receive political power. But if he wanted a complete answer to the speech made by his noble and learned Friend to-night, he would read the whole speech delivered in 1829 by his noble and learned Friend, when he advocated the measure of Catholic emancipation, brought forward by the Government of which he formed a part. The assertions then made by his noble and learned Friend would entirely overturn and completely contradict the assertions put forth by him to-night. But his noble and learned Friend had said, that he would not go into the details of the measure; neither would he, because the real main question and principle to be this night decided was, whether the people of Ireland were to be treated as the rest of the population of Great Britain—were they to be treated as British subjects, or as aliens? That question, and that principle, he (the Marquess of Clanricarde) warned their Lordships not to decide precipitantly against the people of Ireland. Against the views put forth on this question by his noble and learned Friend opposite, he had his own authority on a former occasion, and had the authority of almost every great statesman that had done honour to this nation—of Mr. Pitt, of Lord Castlereagh, and, in short, of all who had taken part in the passing of the Act of Union, or in promoting Catholic emancipation. But were the opinions of those great authorities necessary to be cited, when his noble and learned Friend had in his speech on Catholic emancipation himself stated, that the admission of Roman Catholics to power was but the sequence, the corollary, to that same Act of Union? Nay, more, the Emancipation Act itself—a measure which emanated from the Government with which his noble and learned Friend opposite was highly connected, specifically (and as it were with a view to the question now under discussion) and directly refers to Municipal Corporations in Ireland. The 14th section of that statute said, " that it should be lawful for any Roman Catholic to be a member of any lay body corporate, and to hold any place of trust therein, upon taking and subscribing the oath in the Act set forth." With this clause in that statute he begged to ask his noble and learned Friend, whether at the time of passing the measure of emancipation, it was intended to cheat the people of Ireland? Was it, then, intended to delude them, by declaring that they should be members of the Corporation, resolving afterwards to tell them that they were not fit to be admitted into Corporations? If that were intended, then he must say, that the measure of emancipation was a cheat —the Act of Union was a cheat upon the people of Ireland. The noble and learned Lord talked of the Roman Catholics as a party. Grant that they were, but even then, was it on account of their numbers that they were to be deprived of the rights benefits, and advantages, of free institutions. But he denied that this measure now before their Lordships went to give power to a party—it was not upon party, but upon the people of Ireland that it conferred power. The noble and learned Lord had also spoken of the agitation which prevailed, and the mode in which elections had been carried on in Ireland, and had urged those points as grounds for the deprivation of the people, or that country of the rights even now enjoyed by them, What had been in some instances the mode in which elections had been carried in this country? The noble and learned Lord was fond of citing the Report of the Intimidation Committee, but he would quote another authority. Some years ago two petitions were presented under the Grenville Act, complaining that at each of the then last elections for Westminster outrages had been committed by purposely armed bands, and that even murders had been perpetrated. Upon these petitions not the least redress was obtained—no censure, no punishment inflicted upon the offenders, nor was any measure adopted to prevent the repetition of similar scenes. Still less did anybody propose to disfranchise the people of England, because of these and several similar outrages elsewhere. That being so, he contended, that it was now proposed to attack the people of Ireland because they were thought to be weak, and to rob them of rights which no person would dare to attempt to take from the people of England. Again, the noble Lord relied upon the existence of agitation in Ireland as a ground upon which to justify his proposition. Was agitation, however, confined to Ireland? Had there been no agitation at Ipswich, at Glasgow, at Edinburgh, and elsewhere? Was it not, then, unfair to apply a doctrine to Ireland which no one would venture to apply to England? It had also been stated that the people of Ireland did not desire the maintenance of Corporations. He must deny the assertion, though it was well known that they had long felt the grievances in them, and it could not be disputed that the abuses of corporate trusts had been a constant source of complaint. Still, however, they desired not their destruction. On the contrary, they (to use the language of the great statesman, whose words he had already quoted, Mr. Grattan) "knew that corporate cities and towns were the mansion and habitation of constitutional liberty." The noble and learned Lord had alluded to the prosperity of the towns of Manchester and Birmingham, though they were not possessed of Corporations, and on their prosperity he founded an argument that there was no necessity for the maintenance of Corporations in Ireland. Now he would venture to say that no professional quibbler ever took a more frivolous ground of argument. Look what the free institutions of this country had done for the people of England, and the effect they had produced on the genius and character, and habits of the people, and, despite the instances of Manchester and Birmingham, cited by the noble and learned Lord, nobody could be bold enough to assert that by similar institutions and the same laws being applied to Ireland that country would not be benefited. This view had been taken 230 or 240 years ago by Sir John Davis, who had written upon the subject. That learned individual even then said, that "if the laws of England had been applied to and established in Ireland in the time of Henry, of John, or of Richard—if the country had then been divided into counties—if judges had gone half-yearly circuits for the trial and punishment of malefactors—if the fairs and markets had then been assimilated to those of England, and if corporate bodies had been then originated, Ireland would have been really subjected, and a perfect union between the two countries effected." The writer added, that "Ireland never could be conquered unless she was made subject to one king, to one allegiance, and to one law." On the present occasion, the same language had been resorted to that had been used in the discussions upon the Roman Catholic Relief Bill by the opponents of that measure. It was then said, and the same argument was repeated now, that by the admission of Roman Catholics to civil power none but Roman Catholics would be returned. But what was the fact? Why, that not one-half of the Irish representatives were Roman Catholics. Upon this point there was one case to which he must advert. There was a corporate town in Ireland situate in a Catholic district — he alluded to Wexford, which had returned to Parliament a Protestant gentleman in preference to a Roman Catholic, although there were many Catholic gentlemen of property and talent amongst its inhabitants, and some of them members of its corporation. Again, in the choice of corporate officers, the selection had been made there without reference to religious or political distinctions, and of the corporate body there had been elected, after the passing of the Emancipation Act, by a constituency four-fifths of whom were of the Roman Catholic persuasion, four Protestant gentlemen, two of whom were of Conservative principles. Again, also, in the election of burgesses the choice of the same constituency had fallen upon three Protestant and three Roman Catholic gentlemen. There was ample proof that in every instance where there was a free election the Irish people attended as fairly as possible to the merits of the candidates without reference to their religion. He had no wish to intimidate their Lordships, but he did not hesitate to say that on the decision of to-night much of their weight and influence in the country depended. A noble Friend of his, who spoke early in the evening, suggested that it would be better to let the whole matter stand over for another year. But was that the manner in which they could be gravely wished to proceed with this matter? By the amendments which their Lordships had adopted and sent down to the other House, he found that the existing corporate officers would be continued, many of them for life, and yet they were chosen by those very corporators whom the noble Lords opposite declared had so grossly abused their trust. This would be a most dangerous course for their Lordships to adopt. He did not think that the noble Lords opposite rightly estimated the manner in which their conduct was watched by persons out of doors. They did not seem to consider that it was not only their vote, but the argument and the ground on which the vote was given, that was considered elsewhere. The noble Lord opposite said that three-fourths of the people of Ireland were Roman Catholics. He did not think that the just proportion — he thought that five-sixths of the people of Ireland were Roman Catholics. But supposing them to be only three-fourths, the noble Lords opposite said to them, "You shall not have these rights and this freedom, because you do not exercise the privileges you already possess in a way to give us satisfaction;" and he should like to know why not? Because they did not support the party of the noble Lords opposite; because they would not submit to the dominion and control of that party; because they turned that party out of power. From the time of Mr. Pitt to the present day, the majorities in the House of Commons in favour of the Catholics upon all subjects relating to the grievances of Ireland had been constantly increasing. This was a proof that the people of Ireland knew rightly how to estimate the value of free institutions. He (the Marquess of Clanricarde) did not wish their Lordships to give undue weight to any opinions that might be expressed out of doors; but at the same time he felt that it would be idle for them to rest there, if they did not in some degree attend to the feelings of their fellow-subjects. It was absurd to say that the people of Ireland did not feel strongly and warmly upon this subject. "If you say to them that they are not fit to receive free institutions, you place yourselves directly and at once in a vital struggle with the people of that country. The question is, shall our power and influence prevail, or shall the rights and privileges of the Irish people prevail? I would have your Lordships remember that the people of Ireland are on this occasion backed by the people of England. It is my firm belief, that if the House of Commons had adopted the amendments as sent down by this House, founded upon the reasonings on which these amendments were adopted, the union between the two countries must have been repealed—there would, in fact, no longer be a virtual union between them. If Parliament had said to the 7,000,000 of Roman Catholics of Ireland, 'You are not fit to possess the free institutions enjoyed by the people in England,' I think, indeed, that the Roman Catholic population would be unfit to be amalgamated and mixed up with the people of this country, if they submitted tamely to such language, and did not call for a repeal of the Union. If your Lordships follow the course which the noble and learned Lord wishes you to take, you will place yourselves at once in a struggle with the Irish people, who will have enlisted on their side the sympathies of every freeman in this and every other country. It is not the language of threat or intimidation when I say that that is not the position in which any branch of a legislature ought to stand in relation to any portion of the people for whom it is to legislate. I am as sincerely attached as any of your Lordships to the privileges and to the honour of this House, but it is not too much for me to say that I love the liberties of my native country more; and it is my consolation and very comfort to-night, when I give my vote for the extension of equal rights to my countrymen, to know that I am giving the best vote in my power for upholding the power and influence of your Lordships' House."

Viscount *Falkland* wished to disclaim any portion of that responsibility which he thought their Lordships would incur by rejecting or materially altering the Bill now sent up to their Lordships for a second time. He was likewise desirous of saying, that the arguments used in opposition to the Bill excited his astonishment. The whole objection raised to the measures of his Majesty's Government amounted to this—that great excitement already prevailed in Ireland—that irresponsible persons used undue influence in that country—and that by the concession of this measure that influence would be exercised in a manner detrimental to the general interests of the empire—and on these grounds it was said, that however plausible might be the demand for equal legislation for the two countries, the circumstances in which Ireland stood did not warrant it. With respect to the state of excitement which prevailed, he admitted and deeply deplored it. He also regretted that the great moral influence which, in a well regulated country, ought to be exercised by the Government alone, should be possessed by an irresponsible individual. But he at the same time felt that in order to remove that undue influence—to weaken the formidable power equal to the Government itself, it was the imperative duty of the advisers of the Crown to endeavour to allay that excitement which served to increase undue influence, and, by remodelling the laws, to leave no reasonable cause for excitement or discontent. Within his recollection Ireland had never been tranquil or quiet, and he was convinced the evil arose, not from opposition to the law, but from the law itself. He believed that if this Bill had been allowed to pass in its original form, the attempt to allay excitement would have been successful, and he still thought, that even as sent back from the other House, it would, if passed, have a most beneficial tendency. With these feelings, and also anticipating very different results from those urged by noble Lords opposite, he was most devoutly anxious for the success of the Bill. If it were passed, he was confident that the discontent which existed in Ireland would subside, and the prosperity of the country be materially promoted, not that he would undertake to say that the measure would prove a panacea for all the evils of Ireland, but it would tend to their alleviation, and it could not be denied consistently with the welfare of Ireland. Indeed it could not be denied with any degree of consistency or sound policy. Their Lordships had already given to the people of Ireland Catholic emancipation, and they had also granted them an equal share of Parliamentary reform. The people of Ireland were now in possession of those rights, and the power resulting from them. It was too late for their Lordships to think of retreating from the consequences of the measures they had granted. As to the assertion that when Ireland was in a more tranquil state, a measure similar to the present could be applied to the country, he was not, on his part, disposed to question or doubt the fulfilment of any pledge their Lordships might give; but he apprehended that the people of Ireland might not have the same confidence, and instead of the establishment of tranquillity, they would have a strong feeling of dissatisfaction, with all its distracting consequences. In conclusion, he expressed a hope that their Lordships would not place themselves between the people of Ireland and a measure to which they undoubtedly looked with a strong national interest.

The Earl of *Ripon* need hardly say that the speech of the noble Lord who had just sat down, after addressing their Lordships for the first time, was one which would make their Lordships always anxious to hear what he wished to say whenever he thought fit to deliver his sentiments upon any subject, and if he was not convinced by the arguments which had fallen from the noble Lord in the course of his speech, it was not from the lack of ability or the want of candour with which he had urged those arguments. He had to address himself to certain topics which had been suggested to him by the observations of his noble Friend who had spoken last but one, and who had expressed his fears that by adopting that line of conduct which he seemed to think their Lordships would pursue, they would lose the respect of the friends of freedom, who took a different view of the subject to that which the majority of their Lordships' House were likely to entertain. He certainly should be sincerely sorry if any act in which he participated should expose him to the danger of forfeiting the esteem of the friends of freedom, and he flattered himself that on the ground of the regard he had shown to the public interest, and especially in the case of Ireland, with respect to the course he had pursued on the Emancipation Bill, he was not likely to take a course which ought to forfeit for him the respect of the friends of freedom. But it was his lot to differ from his noble Friend upon this occasion, taking as he did a different view of the practical effects and consequences which would follow close upon the heels of this measure. His noble Friend had told their Lordships, and in pretty plain terms too, that a refusal to pass this measure would be justly looked upon as an insult to Ireland, and they were told that they would offend public feeling and compromise their own existence. But for his own part he did not entertain the same apprehensions with which his noble Friend seemed to be overpowered, because he believed that the people of England, and the people of this empire collectively, before they condemned their Lordships, before they consigned them to the extinction with which they were threatened, and under the ban of which he was then addressing them, would not forget what the House of Lords had done for the country, and that they had always shown themselves to be the real friends of freedom. It was, as his noble Friend had stated, perfectly true, that in discussing a question of this kind, their Lordships had differed from the House of Commons. But what then? The House of Commons had over and over again differed from itself; and therefore, it surely could not be said that, for that reason, forgetting everything that that House had done to promote the welfare of the empire at large, and the innumerable Bills which it had passed for the advantage of the subject, the House of Lords, instead of receiving credit, ought to get nothing but reproach. There was another reason why he did not feel the apprehension which oppressed his noble Friend. It was indeed rather an old story, but there was nothing said last year on the subject of the English Municipal Bill, when it seemed most advisable to their Lordships to introduce some amendments into the Bill which was sent up to them from the House of Commons. His noble Friend, it was true, had not been sparing of his warnings and admonitions, and another noble Friend, the cause of whose absence he in common with their Lordships deeply regretted, used much more forcible, and, he might say, indignant, language in conveying the same warnings and the same admonitions. But their Lordships did amend that Bill, although they had been accused, in proposing the amendments which they had thought it their duty to introduce, of an intention to subject it to an emasculating mutilation. Now, was there any honest man who would say that any of the amendments which were introduced into the Bill in its passage through their Lordships' House did emasculate or mutilate that Bill, or deprive the public of those advantages which were expected to result from its adoption? He had been a good deal surprised, he must confess, in listening to the speeches of his noble Friends who spoke from the other side of the House, when he observed, how entirely they had set aside all that had been done to those portions of the Bill to which that House had assented. The object of his noble Friend's argument was to show that their Lordships had destroyed the Bill, and, waving all that had been said and written on the subject in other places, that whereas they had acknowledged that the Corporations of Ireland did not represent the popular voice, in refusing to create new Corporations, they were careless of the feeling of the people, and indisposed to apply a remedy to grievances of which they admitted the existence. But he apprehended that the real question upon which their Lordships had to decide was—what was the nature, and what the peculiar composition and circumstances under which Corporations in Ireland existed, and not whether the constitution and character of English Corporations were suitable to the circumstances of this country. It was perfectly notorious that Corporations were established in Ireland for the purpose, in the first place, of firmly fixing the domination of England; and, in the next place, of establishing in that country the Protestant religion. It was perfectly obvious, that in the course of time institutions founded with a view to the furtherance of these objects might, in a country like Ireland, be found unsuitable to the purposes which they were designed to promote, and that grievances would arise which it would be the duty of Parliament to remove. These grievances they admitted and were prepared to remove, and while they were ready to act on the broad principles of justice, and to remove from Ireland any just cause of offence, their views were not thought inexpedient, but when they were called on to discuss the second part of the question—what should be done after the extinction of the Corporations now in existence?—it became a question, as he might call it, of common-place expediency, not, as it was pretended, whether justice should be done to Ireland, but whether Corporations should or should not be established there. He was aware what arguments had been used on the other side in favour of the establishment of Corporations in Ireland. He was quite aware that it might be urged, that Corporations were good things in themselves—that they had been good things in England, where they had been lately remodelled, and that, as Ireland was part of the same empire, she was entitled to have the same privileges as the former country. But he was not ready to agree with those who maintained that England had Corporations, and therefore it would be an insult to Ireland if she also had not Corporations. If they looked at the functions which a Corporation had to perform, they would see that good internal regulation and quiet government were among the first objects which municipal government ought to secure. Among these objects we might naturally turn to the ordinary objects of a municipal form of government—namely, the lighting, paving, and cleansing of a town, and other objects of that kind. But what was the condition of Ireland with respect to Corporations? The fact was, they were regulated according to Local Acts of Parliament. He would ask, if their Lordships had repealed those Acts of Parliament and transferred the duty to the new Corporations? Far from it, for the words they had put into the clause, said, that whereas it might be expedient to alter the regulations of Municipal Corporations in Ireland, it should be competent (the Act did not say imperative) to the Commissioners under the 9th of George 4th to transfer the powers with which they were invested to the new Corporations, and if it should so happen, as might very well happen, that the Commissioners were not willing to give up the trust which was placed in their hands, he should be glad to know what these Corporations which noble Lords opposite wished to establish would have to do? What had they to do, as far as the Bill went, with the maintenance of internal tranquillity? They actually refused these Corporations the power of voting for a Watch Committee, at the very moment when they introduced an universal Constabulary Bill. It was impossible that these systems could work together. After all, what was the most important concern? The administration of justice was not to be intrusted to these Corporations. The Bill, which was considered of so much importance that their Lordships were not to be allowed to interfere with it, deprived Corporations altogether of one most essential particular of self-government—namely, the administration of justice. The Corporations in Ireland were not to be permitted to choose Sheriffs or the Clerks of the Crown, and he would put it to their Lordships, whether it was prudent or expedient to create a Corporation which was acknowledged to be unfitted for the administration of justice. There was another point to which he wished to advert—namely, the administration of property. Anybody who heard all that had been said on the subject of Irish Municipal Corporations, might suppose that everyone of the towns to which it was intended to apply the provisions of this Bill were like the Corporation of Liverpool or the Corporation of London. Now, he would take the liberty of alluding to two or three cases in order to assure their Lordships, that a Corporation was quite unnecessary for the welfare of a town. He would refer to the case of Belfast, which was a very wealthy and thriving town. Now, what would be its situation under the new Bill? Everything connected with the administration of justice was conducted through the instrumentality of Local Acts, and the Corporation really had no property to deal with. If, then, the Corporation had nothing to do—if it had nothing to do with the cleansing of the town, nothing to do with the paving or lighting, and no property to administer, he could not understand how this fallacious notion about an insult to Ireland could have originated. Suppose this new Corporation obtained, how were its officers to be paid? Paid they must be, if the Corporations were established; it would be necessary to pay the Mayor, to pay the Recorder, the town-clerk, the town anything; in fact, to find a salary for any office they might choose to create, and next to defray the expences which were likely to be incurred, and which must be incurred, in carrying this Act into effect, and then to apply the surplus revenue for the benefit of the town. But there would be no surplus revenue, it was clear, because there would be no revenue, and so Belfast must be taxed in order to support a Corporation. And yet their Lordships were told, that if they did not give Ireland Corporations, they would insult her. He was aware, that in one part of the world it was considered an insult to ask a gentleman to pay a debt; but he had yet to learn, that to excuse a number of persons from paying a tax was to be looked upon as an insult. Now, with respect to the city of Londonderry, the whole of the property of the Corporation was mortgaged to the creditors of the Corporation. He did not think that this new scheme would be agreeable to the inhabitants of Londonderry, and he rather thought that they had petitioned against the Corporation with which noble Lords opposite wished to endow them. He would next refer to the case of a Corporation which had some property to administer. That Corporation was the Corporation of the city of Cork, and as it appeared that it had very large property, he had made a memorandum of it which was worth noticing. The Corporation of Cork had property to the amount of 6,237*l.* a year; but in looking at the property of a Corporation, it was very material to consider from what source their revenues were derived. Now of this 6,237*l.*, no less than 4,976*l.* were derived from tolls, from which the freemen of Cork were exempt, and this would leave about 1,260*l.* applicable to corporate purposes. But it so happened that the Corporation of Cork was blessed with a debt, not very large indeed, but somehow or other the debts of a Corporation were apt to increase instead of diminish. This debt amounted to 7,247*l.*, bearing an annual interest of 362*l.* There remained then for corporate purposes about 900*l.*, and after all the necessary expenses had been defrayed, there would remain the mighty annual sum of 103*l.* to pay the Mayor, the Recorder, and the town-clerk. The Commissioners had stated, that this branch of the corporate revenues was falling off, and was extremely uncertain and precarious, and yet this was just the time when they were going to create a new charge on a decreasing revenue. The Commissioners classified these as gateage tolls, as market tolls, and as out tolls, which were not collected without extortion, violence, and oppression, and paid by ignorant and poor persons; and yet their Lordships were called the enemies of Ireland because they did not think it right to establish or support Corporations which drew their revenues from such sources as these. In the town of Galway the whole revenue of the Corporation was derived from tolls, and if the Bill were to pass, he did not know how the Corporation would manage, because its property was in Chancery, and at any rate he very much questioned whether it were likely to get possession of its income at any very early period. He was therefore, taking all that he had shown to be the case into consideration, entitled to ask, whether they thought that tolls were a safe and available property, and whether they might not, in fact, be said to be dead and gone, condemned as they were by the Bill of the Government, condemned by the Commissioners, and condemned by the Bill which had passed their Lordships' House; and they might depend upon it, that whether this Bill passed or not, it would not be possible to collect tolls. They must per force abandon the collection of tolls, because they could not get anybody to pay them. There was yet another case to which he would call their Lordships' attention, that of the Corporation of the city of Dublin. Now, any person who was unacquainted with the peculiar circumstances of the case would be naturally inclined to compare the Corporation of the city of Dublin with the Corporation of London. As yet the English Municipal Corporation Commissioners had not favoured their Lordships with a Report of the state of the Corporation of London; but he must say, that he had not heard that there was anything so monstrous in the constitution of the Corporation of London as to require any very sweeping or extensive changes. Alter it as they pleased, they would still leave it all those functions which naturally belonged to a Corporation. They would leave it the control over the lighting, the paving, and the cleansing of the city, the navigation of the river, and the exclusive management of the police and the administration of justice, together with an immense property. But what would be the condition of the Corporation of Dublin? It was to have nothing to do with the paving, nothing to do with the lighting, nothing to do with the improvement of the city; nor would it have any thing to do with the management of the police; for by the Dublin Police Bill, which was passed the other day, the Corporation of Dublin was deprived of any share which it formerly had in controlling and organizing the police of the city. Now, if a Corporation were to be formed which was not at liberty to exercise these functions, it would be nothing but a mere *cáput mortuum*, a shadow of a Corporation; its bones would be marrowless, it would have no speculation in its eyes. Why, gracious Heaven! what was the reason for establishing these Corporations? He knew very well what his noble friends would say—he knew they would say, that the principles of the Constitution required that in all these matters the elective principle should be carried into effect in municipal offices, in order to show the attachment they had to public liberty. He really thought that there was something like a fallacy in that argument. Did not the notion of an elective body depend essentially upon some duties to be performed? Those were the principles on which every thing of that nature was conducted in England; and he would ask, whether it was wise or prudent that Corporations in Ireland should be cribbed, cabined, and confined, and tied down with nothing to do? When Ireland was under Poyning's law, all the forms that were observed in the British House of Commons were maintained, but the Parliament had no power to pass a single Act without the consent of the English Privy Council. Their right to deliberate was rendered therefore almost valueless, and it was therefore no wonder that they asserted the principle for which he was contending, that when there was an elective body they ought to have something to do—a maxim which applied not only to the other House of Parliament, but to every municipal and parochial office. Upon these grounds, without entering into other arguments which might have a tendency to increase the irritation which existed and to aggravate the ill feeling which unhappily prevailed on this subject—without touching upon the topic of the danger that might arise from granting Corporations to Ireland, he felt justified in saying, that whilst he was prepared to act in conformity with the great principle of equal government, which required the destruction of existing Corporations, he considered it highly inexpedient and unjust to establish Corporations which would have no duties to perform.

The Earl of *Winchilsea* declared, that he fully entered into the feelings expressed by the noble Lord who had spoken previously, and was equally impressed with the propriety of taking every care in putting an end to a system which, however sound and useful heretofore, was yet exclusive—to avoid establishing another which might be equally objectionable in the latter point of view. A transference of such exclusive power was equally as bad in practice as its previous existence. It had been abused, and the wisest plan was to abolish it. He would ask their Lordships, whether it were politic to extend that agitation which had already inflicted such injuries in Ireland, and had afforded to one individual such facilities of exercising his talents, for the disturbance of the social relations of the two countries? That individual had said, that as the Bill for the reform of the Corporations of England was intended to extend the effects of agitation begun by the Catholic Relief Bill, and was introduced as the precursor of similar changes in Ireland, if they now refused to follow it up by the Bill before them, they ought to follow it up by an abolition of the measure of 1829. He heartily hoped that the effect of their Lordships' deliberations that evening would be to correct, as far as lay in their power, the baneful legislative influence that had been thus admitted to interfere in the direction of the national councils, and he hoped they would not forget the argumentative necessity which that individual had impressed on them. He thought that if they looked around calmly and steadily, not only out of the House but within it, they would find a sufficiency of indications to convince them that, in refusing to sanction the continuance of arrangements in Ireland for the purpose of maturing the views of revolutionary agitation, they were discharging a great duty to the satisfaction of all whose influence was real and decisive through the country, and whose approbation was creditable and desirable. He would only ask them to look to the public expression of opinion in their favour, and to proceed in their course of prudent legislation, undaunted by the clamours of individuals. He should not trouble their Lordships with any further observations, and should merely state his intention of voting for the amendment proposed by the noble and learned Lord.

Earl *Grey:* I can assure your Lordships that it is with great reluctance I rise to address you. In doing so, let me first disclaim being actuated by any personal or party motives. In political contention it has been too much my lot to be engaged throughout life; but I trust I have done with it for ever. The only feeling which actuates me on the present occasion is, that standing aloof as I do from all party passion and bias, I am desirous for a short time to trespass on your Lordships' attention, in the hope that I may suggest something that may allay the heats and animosities which on this and on other occasions have been but too prevalent. I repeat, my Lords, that it is in the true and sincere spirit of peace and conciliation that I now rise to address you. I ask your Lordships if you think that the course you are pursuing is likely to lead to that end at which I am persuaded you all of you aim—the pacification of Ireland, and the general establishment of peace and tranquillity in the empire? Into the details of the Bill which was originally sent to us by the House of Commons, and which was returned by us to that House, I will not say amended, but totally changed, or into the alterations which have since been made in that changed Bill by the other House, it is not my intention now to enter. These are matters which may with more propriety be considered at a future period, if the measure shall proceed. I agree with the noble and learned Lord that there are at present two points for our consideration, although I shall describe those points in terms somewhat different from those used by the noble and learned Lord. The first point is to consider the object and tendency of the measure before us. The next and the more immediate and urgent point is, to consider the measure with reference to the feeling which unhappily has been excited on the subject in the other House of Parliament. As to the object and tendency of the measure which ought to be adopted, I feel that I cannot be contradicted when I state, that the existence of abuses in the Corporations of Ireland being acknowledged by all parties, it is proper that we should consider which are the best means of applying a remedy to those abuses. All agree in that. The difference between us is this—whether we shall proceed by altering the constitution of those Corporations; or whether, that being deemed hopeless, we should entirely abolish them? And here I must dissent from the noble and learned Lord's description of the difference between the two measures—of the measures proposed by this side of the House, and of the measure carried by the other side of the House. I dissent from the statement of the noble and learned Lord, that the Bill sent by this House to the House of Commons was merely an alteration of the Bill which had been sent by the House of Commons to us. The noble and learned Lord asserted that the Bill, as sent up by the other House of Parliament, involved three principles;—the first, the abolition of the existing Corporations of Ireland—the second, the substitution of other Corporations—the last, the administration of justice. To two of those principles the noble and learned Lord asserted that your Lordships agreed, and that you rejected only the second. Now I put it to your Lordships whether, in rejecting that second principle, you did not reject the whole essential principle of the measure. The state of the fact is this:—Abuses are universally acknowledged to exist in the Corporations of Ireland, which you find it necessary to correct, and in order to correct them your Lordships propose to take from the people of Ireland all corporate institutions whatever, instead of reforming those institutions, so as to leave the people in the enjoyment of the same local rights and privileges as are enjoyed by their fellow-subjects in England and Scotland. Is not this an essential difference from the principle of the Bill as sent up to your Lordships by the other House of Parliament? It may be exceedingly proper to abolish, not entirely but in part, certain of those Corporations; but to destroy all corporate rights and institutions throughout the country would surely be contrary to every principle of policy and of justice. The principle of the measure sent to us by the House of Commons was, that the people of Ireland were entitled to have the same privileges conferred upon them as had been conferred on the people of England and Scotland by the Municipal Corporation Bill. It is most extraordinary that when a proposition is made to correct abuses in ancient institutions, that proposition should be met by noble Lords on the other side of the House with a proposition to extirpate them. Consistently with the political doctrines which had been usually maintained by those noble Lords, they are the very last persons from whom I should have expected such a suggestion. I am far, however, from wishing to cast any injurious imputation upon anybody.

It is undoubtedly true that principles cannot change; but it is also true, as has been said this evening by a noble Lord, that the application of principles may vary according to circumstances, and that under some circumstances it may be considered fit and expedient to pursue a certain line of conduct, which, under other circumstances, would be neither fit nor expedient. That is the ground on which I am desirous of understanding the noble Lords opposite as resting their hostility to the original measure. Into the details of that measure, which have already been so ably explained by my noble Friend, it is not my intention to enter. I have neither the power nor the inclination to do that. But this is the first time that I have heard it asserted that Corporations in Ireland must in any shape be an evil. This is the first time I have heard it asserted that because they have few functions to discharge, they must therefore be dangerous. Hitherto your Lordships have been accustomed to consider corporate dignity as valuable; and I could not have imagined that you would have been induced to deprive the people of Ireland of them by one sweeping act of legislation. It is somewhat extraordinary, also, that the proposition of the noble Lord is neither more nor less than this, "reject this Bill in order that those Corporations which have nothing to do, and which I therefore maintain are a nuisance, and an evil may be continued for at least another year." See, my Lords, the situation in which Ireland at present stands. That there were rights and privileges due to the people of Ireland—rights and privileges established by Catholic emancipation, I have not heard any one deny. That those rights and privileges would be conferred by a great majority of your Lordships, but for the existence of particular circumstances is equally evident. The question is, however, whether, or not, notwithstanding those circumstances, it is sound policy to deny to the people of Ireland, that equality of rights which all acknowledge to be their due? The people of Ireland feel it to be their due—they claim it as their due—they assert it, and justly, to be the natural consequence of the state of freedom in which they were placed by Catholic emancipation. Your Lordships acknowledge this equality of rights to be the due of the people of Ireland—but you withheld it on the ground of particular circumstances. It was admitted by a noble Friend of mine, who addressed your Lordships for the first time this evening, and in a manner which must induce every one to wish that he may do so frequently, that the people of Ireland, if they were in another condition, might justly claim the same rights and privileges as the people of the other parts of the empire, and that the time might arrive when those rights and privileges might probably be conferred upon them. My Lords, I freely admit, and I deeply lament the fact, that the people of Ireland are at the present moment, divided and distracted. No body feels and laments that fact more than I do. But I ask your Lordships, whether the course which you are pursuing is likely to remedy a state of things, the existence of which we all deplore? I am sure I deeply deplore it. Now, my Lords, I will go further. I will admit, that under the present circumstances of Ireland, the apprehensions urged by the noble Lords opposite, as their reasons for not agreeing to the measure proposed by the other House of Parliament, are not wholly undeserving of attention. I do not pretend to deny, that after long excitement, long agitation, long contention, if these rights are suddenly given to the people of Ireland, they might in the first instance be exercised indiscreetly. But, my Lords, while I allow there may be some ground for this apprehension, I contend that it has been greatly exaggerated by the noble Lords opposite. And what we have to consider is, what must be done for the purpose of rescuing the people of Ireland from the state of discontent in which they now are—what must be done for the purpose of re-establishing law and order in Ireland, and of making the people of that country fit for the enjoyment of the rights which are their due? Now, my Lords, I again ask you, is that an object which is likely to be obtained by the course which you are pursuing? You find the people of Ireland discontented and agitated; you are called upon by them to reform their Corporations; but you will not do so, for fear of consequences; and by your refusal, you continue the discontent and agitation which you wish to see terminated. You admit, that, but for that temporary obstacle, you would adopt the course recommended to you by the other House. Nay, if it were not for those circumstances, it would be a mockery and insult to withhold from the people of Ireland, that which Catholic emancipation taught them to expect. But, my Lords, what will be the result of allowing the continuance of the existing agitation and discontent? We have been told also that the aversion to the measure proposed by the House of Commons, is nearly general throughout this country. I deny it. I believe that the reverse is the case. I know that there are many persons, not only among those who in general concur in political opinion with his Majesty's present Government, but among those who differ from them, who feel very sensibly the deprivation of right to which the people of Ireland are at present subjected. I have had the names mentioned to me of persons of influence connected with what is called the "Conservative interest," who have put themselves forward in requisitions for public meetings, to petition Parliament to pass this Bill. The people of Ireland are a generous, a brave, and a highly excitеable people. My Lords, I will not speak of individuals. It has been too much the practice, of late, to do so in this House. But this I will say, that if there are any persons whose objects are hostile to the peace and tranquillity of Ireland, I do not know how your Lordships could better consult the views of such persons, than by giving them the means of appealing to the sensibility of the people of Ireland, and of persuading them, that they are not treated with equal justice. And here, my Lords, I beg leave to guard myself against being supposed to join in the common-place declamation on this subject—that until the present moment justice was never done to Ireland. In answer to that declaration, I refer those who will exercise their reason, to the course, which, for the last ten years Parliament has pursued—I will not say of concession, for I dislike the word, but of originating discussions, and passing laws, the object of which has been, to give to the people of Ireland the rights, of which they had hitherto been deprived, and which they claimed on the ground of justice. To me, therefore, it appears to be most unjust to say that now, for the first time, justice is done to Ireland. I am quite sure, that my noble Friends in his Majesty's Government disclaim any participation in such a sentiment. I am quite sure, they will not deny, that while I had the honour to be at the head of that Government, a constant anxiety existed to adopt such measures, as might do that very justice to Ireland which it is now said was never contemplated till this moment. I say, my Lords, that if it be the agitated state of Ireland which deters you from doing, what you would otherwise do, if you wish that agitation to cease, if you wish the people of Ireland to become fit for the full enjoyment of their rights, pass this Bill. To refuse to do so, will be to lead to fresh agitation, to fresh excitement, to render the people of Ireland ten times more unfit for the enjoyment of their rights, and to render the evil which is now comparatively slight and temporary incurable and interminable: until at last, you will find, that that which you are now called upon to do as an act of justice, you must do as an act of necessity, when it will entirely fail in producing that salutary effect, which at the present moment may reasonably be expected from it. I am well aware, my Lords, that in all I have said upon this subject, I have been anticipated by others, and that much more might easily be added; but I will not trespass on your Lordships' time, especially as I am anxious to proceed to that other and most important consideration—namely, what course it is advisable for your Lordships to pursue with respect to this Bill. The noble and learned Lord and the noble Earl opposite have expressed their hopes, that your Lordships will firmly adhere to your former determination on the subject. Another noble Lord has said, that this House should yield nothing to threats or intimidation. In that sentiment I completely concur. If I thought any attempt were making by threats to induce your Lordships to consent to any improper concession, I should be the first man to oppose it. I am anxious to maintain the honour of this House; I am anxious to maintain the just influence of this House; but I know that that honour and that influence can be maintained only by the general respect of the people, and by their conviction that we are exercising our high privileges for their benefit, not for our own. But any attack on your Lordships' House, any denial of your Lordships' legal authority, I should be one of the first to meet. On that point I adhere to the sentiment which I formerly expressed, and which has been frequently quoted, sometimes for the purpose of censure and sometimes for that of approbation —I feel bound to support the order to which I belong against any unjust attack which may be made upon it. I feel bound to resist any attempt, by undue means, to make us do that of which we disapprove. If, for instance, under the name of a reform of this House, a proposition were to be made which would be in its consequences not reform but destruction to this House and to the Monarchy, and if all experience be not false to the freedom of the people, I should be found in the ranks of its most determined opponents. But is there any such danger in the present case? I am sure that if your Lordships will reflect a moment you will acknowledge that there is not. The Bill which was sent up to you from the House of Commons your Lordships entirely changed. You altered its preamble, you altered its principle; and notwithstanding the gloss of the noble and learned Lord, you altered nine-tenths of its enactments. My Lords, such a proceeding as this I can never understand but as a total rejection of the measure, and a substitution of another measure entirely different in principle and character. This is not exactly the way to conciliate. Nor did you alone send the Bill back to the House of Commons entirely changed. You changed it by the introduction of a principle which, after several discussions and divisions, the House of Commons had rejected. Now, my Lords, when you say, that the feelings of this House ought to be respected, you should at the same time respect the feelings of the other House. How did the House of Commons act? They received this altered Bill in a manner and a spirit—I do not speak of the violent conduct of individuals, which I condemn—but the House at large received this altered Bill in a manner and a spirit which I must characterise as that of moderation. They did not immediately reject your alterations. They proceeded calmly to consider them, for the purpose of ascertaining how far, consistently with their own views of right and justice, they could modify the Bill so as to meet your wishes. My Lords, the alterations then made by the House of Commons have not been fairly, have not been generously represented by the noble and learned Lord. It must be evident to every impartial man, that those alterations indicate the desire of the other House of Parliament to go as far as they could to meet your Lordships' objections; and you, my Lords, are called upon to meet them in the same spirit. For what did the House of Commons do? Out of the fifty Corporations comprehended in the original Bill they retained only twelve, and those of the most populous, wealthy, and commercially important places in Ireland. To twenty others they applied the compulsory enactments of 9th George 4th. To this the noble and learned Lord objected, on the ground that they were free before. But that was not the case. The objection was to the placing of the whole of the property of the Corporations in the hands of Commissioners of the Crown, instead of allowing that property to be administered by Commissioners of their own choosing. This, however, the noble and learned Lord said was a hardship, for that they had an option in the original Bill. That I deny. They had no option. For although they might apply for Commissioners to manage their property, under the Act of the 9th Geo. 4th, still that property was not to be taken from the management of the Commissioners of the Crown, if the Crown withheld its approbation. It was a great amendment, therefore, in the Bill to correct the violence and injustice of taking from all the corporate towns the management of their property, and placing it in the hands of Crown Commissioners. The question for your determination is, whether you will consent, with reference to twelve of the most important places in Ireland, to act upon the principle on which you have acted universally with reference to England and Scotland, or whether you will make an invidious distinction, by which the people of Ireland will find themselves excluded from a participation in the benefits to which they were justly entitled. My Lords, I am not at all surprised at the strong feeling which the course you have taken has excited. I do most seriously hope that you will re-consider your determination, and that you will look carefully at the measure in a sincere spirit of conciliation, and with a desire to see if it be not possible to come to some agreement with the other House upon the subject. The details of the measure may admit of alteration; but what I especially entreat you to examine is, the practicability of leaving the enjoyment of corporate rights open to the people of Ireland, instead of increasing discontent by refusing them. Whatever concessions your Lordships may think fit to make, I hope the House of Commons will be prepared to receive in the same spirit of moderation which they have already manifested, in order that this unhappy question may at length be brought to a happy termination. Recollect, my Lords, that if you have thought it offensive to you that a proposition should be made to you which you had already rejected, the House of Commons must have felt it offensive to them to have a proposition made to them which they had already rejected. When a difference arises between two co-ordinate branches of the Legislature, how is it possible that such a difference can ever be reconciled, if each sternly and solemnly declares its determination not to yield anything to the other? Under such circumstances what course can be adopted but a middle course, each party giving something and receiving something? The House of Commons have set your Lordships an example. They have given up much. They have endeavoured to remove your Lordships' objections. They now call upon your Lordships to consider the Bill in its modified form. I hope you will consider it, and that you will try whether it may not be made acceptable to both Houses. You fear agitation in Ireland, as the consequence of granting these rights to the Catholics. You fear the creation of what have been called, how wisely I will not say, "normal schools of agitation." I repeat, that I consider your apprehensions to be exaggerated. What is the real state of the case? What means or what opportunity will there be of mischief? The attention of the individuals on whom rights will be conferred by the measure will be chiefly, if not entirely, confined to local matters, In my opinion the effect will be rather to direct active minds from evil to beneficial pursuits. That I believe will be its effect, and at least I am convinced, that there is no reasonable ground for expecting such an increase to agitation in Ireland, as should induce your Lordships to reject the measure. But if you do reject it, does the noble and learned Lord, or does the noble Earl, or does any other of your Lordships imagine that the interval between the present and the next Session of Parliament will not be filled with disaffected meetings, with inflammatory speeches, and with all the other apparatus of agitation, to a degree tenfold greater than we have hitherto witnessed? My Lords, I have already said, that I wish this question to be taken up in a spirit of peace and conciliation; in that spirit I am myself desirous of taking it up. I have not been unwilling to consider how far the Bill might be advantageously modified. There is one suggestion which I will venture to offer to your Lordships, for which suggestion I alone am responsible, not having communicated to my noble Friend my intention of making it, and not having any reason, except the conviction of its expediency, to believe that it will be acceptable to either side of your Lordships' House. In the Bill, as it last left your Lordships' House, and as it now stands, there is a clause regulating the voting for auditors and assessors. Now, in another Bill, ordered to be brought into the House of Commons by Lord John Russell, the Attorney General, and Mr. Vernon Smith, a Bill for regulating charitable trusts, there is a clause providing that every person entitled to vote shall vote for only half the number of trustees. I wish your Lordships would consider if it might not be practicable to add clauses to this Bill of a similar character, but bearing on the election of town councillors, which would in a great degree remove the objections to the measure which some of your Lordships entertain. Suppose, for instance, that every voter was restricted to voting for only half the number of town-councillors. The consequence would be, that there could be no exclusive party established, but that a minority in any Corporation, of whatever persuasion they might be, could retain their due share of influence. My Lords, I believe it is an overstatement to say, that even if the Bill were carried in its present shape its effects would be exclusive, because it would be only a transfer of authority from one party to another. Many of the Corporations in Ireland are divided into wards, and in many of those wards the Protestants would have the preponderance, I am told, that even in Waterford, where the Catholics are most numerous, the elections would not be of that exclusive character apprehended. But even if that were the case, the proposition which I have ventured to throw out would remedy the evil. It is obvious, that if a voter were restricted to vote for only half the town-councillors, unless the majority of one opinion could be swelled to two to one, no principle of exclusion could be established. What I propose, however, is, that the voter should be restricted to vote for five-eights of the town-councillors. My Lords, I throw out this proposition in the crude and ill-digested form it suggests itself to me; and, if it meets with your concurrence, I shall suggest that the further consideration of the subject shall be adjourned to a convenient but early day, when clauses can be introduced into the Bill to carry it into effect. I shall, however, certainly (until I know how far it may be thought proper to come to an agreement of this sort, in the way of concession) pause before I take upon myself any motion of this sort. And here I should certainly refrain from longer troubling your Lordships, but that there is one other point to which I would beg your particular attention. It was stated by a noble Lord opposite, in presenting a petition in the earlier part of the evening—from whom, by the way, I gather that he has not voted on the previous questions in connexion with this measure—that noble Lord ventured an opinion, that it was not a satisfactory proceeding, and that it was a measure to which he was adverse, to take from the people of Ireland all Corporations, and then he expressed a hope that in another Session some measure which should have the effect of conciliating all parties might be passed. Now, my Lords, let me beg of you to consider, whether, if you see before you the possibility; and, still more, if you see the necessity of being obliged, at some future period, to pass some such measure as this, it is wise or expedient to defer doing so even for another Session? Wait for another Session, my Lords, and what shall we gain in the interval. Have we, my Lords, no experience as to what may be the result of putting off our decision where we see an eventual necessity for concession? How was it with respect to the Catholic question? Was not that measure resisted by your Lordships for years, and were you not in the end compelled—most unwillingly compelled — in consequence of a pressure, that you could not oppose, to grant a much larger measure of relief than was at first called for? But, my Lords, there is a still more recent case, from which we ought, if we are wise, to gather experience—need I say I allude to the Irish Church question? Consider what has been the consequence of your rejection of the measure proposed to you on this subject in the year 1834. Acting upon the advice of those who now call upon you to resist the proposals of the House of Commons, you refused to adopt the Tithe Bill proposed to you in that year; in the next year you found that those very persons who so advised you, were compelled, most reluctantly but irresistibly compelled, to propose to Parliament a measure far more extensive, in regard to the adoption of the principle contended for, than that of the previous session. But that was not all. No, my Lords; by a large majority of the other House, even to that extended measure a condition was annexed—I may say a new principle was introduced, from which your Lordships felt bound to withhold your assent, and to which you still object. To that principle, upon the policy or expediency of which I shall at present offer no comment, my feelings and opinions respecting it are well known—to that principle the other House of Parliament continues to pertinaciously adhere, and while you continue to object to it, it is evident no settlement of the question can take place. And now, my Lords, what is the state of Ireland in consequence of this disagreement? Look to the situation in which it has been placed by the decision of your Lordships. The state of Ireland, my Lords, is this: the law is either openly and successfully resisted, or it is enforced in a manner which puts to rout all that good feeling and love of order in which the best Government consists, and in which, as was well observed by Mr. Burke, "the cheapest defence of nations" is centered. My Lords, let us take warning by these results, let us apply ourselves to concession while concession not opposed to principle is open to us—let us apply ourselves to the effecting of an agreement, while the means of forming it with honour and credit is offered to our acceptance. It is with this view, my Lords, I have suggested a measure to your consideration. I think as it is that you might adopt the Bill as it now stands, but with the alterations I suggest I am of opinion that you can have no reasonable ground of objection to it. But "wait," it is said, "till another session." Are you sure, my Lords, that in another session the proposals now made to you will give satisfaction to the people of Ireland? Are you sure that you will not then be required to go much farther, and that the concessions you can now make with honour and credit to your legislative characters, will not be forced from you without regard to either the one attribute or the other? I propose a compromise in every way consistent with your honour, and it is in your power now to avail yourselves of it; but if you wait for another session, with all the agitation, with all the clamour that will take place in the interval, I will not answer that any measure of the moderate kind I now suggest will be accepted by the people of Ireland. As one nervously anxious for the maintenance of peace, good order, and prosperity in these realms, as one zealous for the honour, dignity, and station of the assembly to which I belong, I do most earnestly call upon you, my Lords, to consider whether that peace, good order, and prosperity, and whether that honour, dignity, and station may not be fearfully endangered by your rejecting instead of receiving the Bill as sent back to you from the Commons. Yes, my Lords, these are my concluding words to you. Consider whether some means may not be found by which an agreement might be brought about without the sacrifice of principle, or the concession of privileges. If so, for the sake of all you hold dear—for the sake of honour—for the sake of justice—for the sake of that country in whose tranquillity and prosperity you have from your station a deep and absorbing interest, at once come forward, and by meeting the other House of Parliament in a spirit of honourable concession, at once put an end to a dispute which cannot be continued without danger to that constitution under which these realms have so long prospered; and, my Lords, to come nearer home, without danger to the station in which that constitution has placed you.

Lord *Ellenborough* thanked the noble Earl for the tone and temper which he had recommended so strongly by his authority and example, and responded entirely to the cheers which greeted the concluding sentiment of his address. He must first express, what was not only his own feeling, but the feeling of every noble Lord who had voted against the opinions of the noble Earl upon the first discussion of this question, namely, that nothing was further from their feelings than that of disrespect to the House of Commons in the manner with which they had dealt with the measure. He did not wish to revive feelings which must have been excited by the expressions which, unfortunately, had fallen from the noble Viscount who spoke at the commencement of this debate; he would much rather bear in mind the expressions which had fallen from the noble Earl who had just addressed their Lordships' House, because he agreed with that noble Earl, that in order to come to a correct decision upon this question, they must conduct the discussion in the way in which he had described, with temper, calmness, and serious reflection. The points of difference between the House of Commons and their Lordships were easily enumerated. He should endeavour to meet and reconcile them where possible; and he should concede everything which he could for the sake of conciliation. The House of Commons and their Lordships' House were of perfect agreement in some respects in regard of the measure under consideration. The House of Commons for instance, voted the abolition of all Corporations in Ireland. The House of Lords did the same. The House of Commons had thought fit to separate the judicial functions in cities and towns in Ireland from the administrative functions of each locality; so did the House of Lords. Thus far there was a complete agreement between both Houses on two most important points. But the House of Lords and the House of Commons could not agree on one principle —on one principle alone they essentially differed. The natural and usual course for the House of Lords to have taken in regard to a difference of the kind was to reject any measure in which it was on the second reading. But they did not choose to take that very obvious course in regard to the present measure. They did not do what the noble Earl opposite, or those noble Lords who supported the Bill, might perhaps have termed a discourtesy or want of due deference to the House of Commons. On the contrary, they paid every respect to its opinion of the great importance of the Bill, and took as conciliatory a course as could be followed. They suffered the Bill to be read a second time—they allowed it to go into Committee—and then they proceeded to make those amendments in its enactment which they deemed necessary to insuring its efficacy for the object for which it was intended. They thought that course would be much more respectful to the House of Commons, and they adopted it accordingly. In all this nothing could be farther from their thoughts than any appearance or intention of disrespect to the House of Commons. He would be very glad to have it in his power to accede to the suggestions of the noble Earl opposite, but their practicability should first be considered. He should ask their Lordships to look at the nature of the propositions before they adopted them, and also to the character of the amendments submitted to their consideration by the other branch of the Legislature. The House of Commons and the House of Lords agreed in one thing—that Corporations in Ireland should be abolished. There was no difference of opinion between them as regarded the principle. Did the amendments on the measure under discussion adhere to that agreement? On the contrary, it reserved Corporations in twelve cities and towns. The Bill sent down from their Lordships was more in unison with the principle than that returned by the Commons; and therefore no charge of departure from it for the sake of disagreement could fairly be brought against them. The House of Commons and the House of Lords agreed on the principle, that the administration of justice should be separated from the local administration; and that it should be entirely under the control of the Crown. There was no difference there either; and he was disposed to acquiesce, therefore, in the objection of the House of Commons to the amendments of their Lordships in that respect. The noble Lord opposite had said, that the difference between the House of Lords and the House of Commons, was not whether there should be a local government in the cities and towns of Ireland, but whether it should be of the form pointed out by the latter; and the noble Earl, in stating it, had stated rightly and clearly that there was no objection on the part of their Lordships to a local government in the cities and towns of that country. The difference, then, was as he had stated, and the only question was on the form. The House of Lords placed the surplus of corporate property under the control and at the disposal of the Commissioners appointed by the 9th George 4th; but the noble Earl and the House of Commons said, that the whole of the property, and not the surplus alone, should be so appropriated. In that arrangement he (Lord Ellenborough) was disposed to acquiesce; and therefore that objection was got rid of at once. There was another objection by the House of Commons with respect to the amendments and the clause concerning composition. Their Lordships had thought it right to introduce these amendments, and he believed that they bettered the Bill; but as the House of Commons thought differently, and as it was opposed to them strongly, he was of opinion that there would be no hesitation on the part of their Lordships to forego them, and to re-introduce the clause in the form and in the very words in which it originally came before them. So far for that cause of disagreement. Another clause, that respecting the retention of certain officers in the employment or under the control of the present Corporations, weighmasters, &c., was the next which the House of Commons objected to, as amended by their Lordships. Their Lordships, in amending that clause, had considered that some of these officers, though acting under the Corporations, were appointed and empowered under certain Statutes; and doubting, therefore, whether they could strictly be termed corporate offices, or these officers corporate officers, they had given them the benefit of the doubt, as it was but justice to do, and retained them in their situations. It was thought right by their Lordships to do so, and he perfectly agreed with them in the principle; but as it was not a point of paramount importance he did not choose to differ from the House of Commons on it. On that, also, he was disposed to yield his own opinion for the sake of peace, and make that sacrifice for the purpose of conciliation. The noble Earl opposite would now, he trusted, perceive that, consistently with adherence to primary principles, there was every wish on the part of the House of Lords to meet the views of the other House of Parliament on the subject, and he hoped that those who charged it with the contrary would do it the justice to retract their wrong opinions. The noble Earl had concluded his speech by a proposition, which he stated that he had communicated to no one previous to his propounding it to that House. The noble Earl was, of course, quite correct in what he had stated with regard to it; but still he felt bound to say, that the matter of it was not new to him. He had heard it before; he had heard it some time since, and he had always considered it as the principle on which the two Houses of Parliament were most likely to come to a compromise. The opinions of the noble Earl agreeing with his on the subject strengthened him the more in that belief, and he had now little doubt of it. But he still thought that the propositions of the noble Earl should be accompanied by other provisions, to make them acceptable to their Lordships; he was of opinion that, unless they were modified by suggestions to be found in other Acts of Parliament, they could not consistently be adopted by that House. If these modifications were made in them—if these provisions were sought out and added to the propositions of the noble Earl—it would be found that a cheap form of local government, open to no objection—a form of government which would leave no room for the bitterness of religious or political party strife—which would afford no facility for agitation, might be obtained and substituted in the place of the abolished Corporations; and that Ireland, under its influence, would enjoy peace and tranquillity. But, notwithstanding what the noble Earl had alleged, he did not conceive it would be possible to come to any satisfactory arrangement of the question in connexion with the Bill immediately before the House. The House of Commons had sent the measure to the House of Lords, incorporating in their amendment of it the 9th Geo. 4th. That Act contained a voluntary principle, and of course was only applicable to the cases for which it was framed and intended. Yet what did the amendments propose to do? To make that voluntary principle compulsory; in other words, the House of Commons required the House of Lords to force a voluntary principle on the acceptance of a people; and to compel twenty cities and towns in Ireland to accept it whether they willed or not. If the Legislature contemplated a compulsory measure, he need not observe that they would not frame it as a voluntary one; the measure proposed to be forced was framed on the voluntary principle—therefore it was entirely and completely inapplicable to the purpose for which it was intended. Besides which another strong objection might be taken to it. It forced an anomalous form of local government on those towns and cities which did not desire to accept it. Perhaps that might weigh with the House, in addition to the other objections to it which he had stated. To frame a general Statute, applicable to the case of Ireland, founded on the suggestions of the noble Earl, would require time and due consideration. The House was not in a position to draw up one which would meet the view he took of the case, in consequence of the course of proceeding taken by the House of Commons. To adopt the measure on the table would not, in his opinion, be doing what all desired to do—equal justice to Ireland. No one believed that the same measure which would be efficacious as applied to England, would have the same effect as applied to Ireland. From the variety of circumstances in which the latter differed from the former, there was no parity between them. No sane legislator would say, for one moment, that the same object—good local government, for instance—could be attained in both by applying the same means to one as to the other. If their Lordships wished to have contentment in Ireland, if they wished to have peace among its people, they would frame a system of local government for that country, which would have the effect of excluding religious or political partisanship, and putting an extinguisher upon agitation. If they framed any measure to that end which would not effect those salutary purposes, they would be injuring rather than serving Ireland—they would be bestowing a curse rather than a blessing on it;—the boon would be bitterness and evil. He did not see how the House could proceed with the Bill, to effect the object embraced by the suggestions of the noble Earl; but he thought that that object might be still effected in the following manner:—If a motion were to be made by the noble Viscount opposite for an adjournment of the further consideration of the question for several weeks, to give him and his colleagues time and opportunity to frame a measure which would be duly considered, and worthy of the adoption of the House, he thought it would give satisfaction to all parties. It was quite clear that the details could not be considered at present. That there was every disposition on the part of the House of Lords to concede to the other branch of the Legislature, where the sacrifice of a great principle was not required, he hoped he had no occasion further to insist on. The object of both was the same; the good government of the people of Ireland was the end proposed by each, but the means advocated were different. He was most anxious that the people of Ireland should have all that their most ardent advocates desired—good local government and equal justice; but he would give them these things, not in the way proposed by the House of Commons—not in the way suggested by the noble Earl—but in the way which he thought best adopted to secure them. Unless those modifications which he had suggested were identified with the noble Earl's proposition he could not consent to its adoption; neither could he consent to accept the measure as returned to their Lordships by the House of Commons. If his Majesty's Ministers were really willing to avoid any cause of difference between the two Houses of Parliament—if they were sincere in their wish to give good government to the people of Ireland—if they truly desired to promote the peace and happiness of that country, they might effect those objects by the means he proposed—moving an adjournment of the question, and then bringing in a Bill framed in a different manner, and capable of meeting the exigency of the case; framed perhaps partly upon the proposition of the noble Earl—partly, perhaps, upon the Acts of Parliament to which he had alluded; one which would meet the views of both branches of the Legislature, and give satisfaction to the people of Ireland.

Lord *Holland:* The noble Lord who has this moment sat down commenced his speech with a very just and feeling encomium on the temper, candour, and good feeling evinced in the observations of the noble Earl who preceded him in the debate —an encomium, my Lords, in the propriety of which I believe there is none present who will not concur. The noble Lord then very kindly proceeded to display a little candour of his own, and he told us of a variety of instances in which he had shown a great disposition to meet the concessions of the Commons. "In all little, minor things," quietly observed the noble Lord, "we concede with a most lavish hand; but with respect to principle, there we cannot yield at all." Yes, my Lords, I repeat it—with respect to principle they will yield nothing at all. Now allow me to state what has been the nature of this transaction in the consideration of which we are at present engaged. The House of Commons sent to you a Bill founded on certain principles. The one principle was, that it was expedient to do away with the corrupt Corporations that at present prevail in Ireland; and the other that it was desirable to grant to the people of Ireland living in towns, local Corporations, responsible to and founded on popular election. The latter of those principles the proceedings of the noble and learned Lord opposite upon the Bill being so sent up to us, called upon the House of Commons to give up. The House of Commons does not give up that principle, and when they tell us that they cannot give it up, the answer of the noble and learned Lord and his Friends is—"We will grant you a concession upon all the details of the measure upon which we are at variance; but upon this principle, of giving the people of Ireland the advantage of local Corporations—this principle which you say is indispensable, and which you tell us you will not surrender—upon this principle we will not give in." The noble and learned Lord says precisely to the House of Commons what Mark Antony said to Ventidius.

> "I will allow you licence of free speech,
>
> * * *
>
> But for your life no word I like not."

This is the principle on which the noble Baron who last spoke would meet the House of Commons. I must, however, do him justice. I must admit that he does not seem to adhere so entirely to this principle as some others by whom he is surrounded; for if you consider his speech well, he evidently agrees much more with the noble Earl who sits behind him, and who admits that we may consider this measure next year, than he does with others of his party. Why then, my Lords, what are we to gather from this? Why, that all this sturdiness on the subject of principles resolves itself into this: "I will not give it up this year, but I hold out to you the chance of my doing so in the next." This is the sort of hope the noble Baron holds out—this is the wise and plausible course he proposes, with the view of conciliating the branch of the Legislature with which we are at issue. The only result of such a plan will be general—in every sense general dissatisfaction. It will please no one. It will not satisfy those who have the principle of the annihilation of the existing Corporations deeply at heart, and who think that Ireland does not deserve to be treated like England, and to have its people intrusted with the management of their local affairs. And still less will it please those who think that such a principle is founded in justice, and that it is rendered necessary by the present state of Ireland, that the laws of the two countries, in this and in every other respect, should be as closely as possible assimilated. Neither of these two parties will the noble Lord's proposition satisfy. In fact, my Lords, his plan seems to me to unite all the meanness and pusillanimity of a compromise, with all the rashness, folly, and obstinacy of pride. I think the suggestion of the noble Baron is the very worst that could have been proposed. I know well that we labour under considerable disadvantages in attempting to dissuade men who have taken up a false position, from persevering in their error; and that, therefore, I shall have much to contend with in persuading your Lordships to reconsider your former decision upon this question. But actuated by the belief that the present is the last opportunity you will have of repairing the injury you have done to your legislative character, and that the step now taken must decide the position your Assembly shall hereafter occupy in the estimation of the people, if not in the constitution of the Legislature, I have resolved to encounter these difficulties, and to make that attempt. My Lords, I have somewhere read, that there is no instance in which greater proof of the favour of the gods is afforded to a general, than where an unexpected opportunity is afforded him to retrieve a false step. My Lords, I think that opportunity is now afforded to us. I must say, I think the House of Commons, in reference to this Bill, has acted with a temper that does its Members immortal honour, and with a good sense and judgment which it should become the object of every Assembly in this or any other country to imitate and rival. The course which that House adopted has been this—not allowing itself to be carried away by the consciousness of its power, or the dictates of anger; it has sent up to us such amendments as it conceived were best calculated to meet all the objections that you made to the Bill, consistently with the principles upon which it was originally framed. These facts have been so ably and distinctly stated to you by the noble Earl who last spoke from this side of the House (Earl Grey), and they are at the same time, so obvious, that I will not trouble your Lordships with any further observations upon them. I cannot, however, help observing, that we have not as yet, this evening, reverted to the real question at issue. As yet, the whole discussion has turned upon a point of honour—upon a trifling consideration of dignity. God forbid, my Lords, that I, or any man in this House, should recommend you to adopt any thing from intimidation or clamour; but I see no intimidation in what has been proposed; and if there be clamour, it is but the clamour of a friendly voice importuning you to reconsider the steps you have taken. But what is the real question awaiting our decision? It resolves itself simply into this:—"Are the principles which induced your Lordships to introduce amendments into the Bill originally sent up to you, compromised by your assenting to the measure as it stands?" And here, before I proceed farther, let me assure you that I do not wish to depart from the temper and moderation so commended, and, I must add, adopted, by the noble Baron who preceded me. I must say, I perfectly and entirely agree with the noble and learned Lord (Lyndhurst) that it is highly unparliamentary, improper, and irregular, to allude to what another does or says in his absence, and when he can have no opportunity of defending himself if wrongly accused, or setting himself right if misrepresented. I confess, that often in the present and in former Sessions, I have felt great regret, that, forgetful of the *soubriquet* which some of your Lordships have been facetiously pleased to attach to my name—that of a "Lord of order,"—I did not interrupt a great many noble Lords in the observations they indulged in; and I confess, that had I, in this respect, discharged my duty, the noble and learned Lord, who this evening so eloquently preached forbearance, would have come under my ban. My Lords, it was with something like surprise, that I, in the course of the speech of the noble and learned Lord to whom I allude,—a speech abounding, I must say, in wit, and eloquence, and quotation; but, unfortunately, equally replete with invective and abuse—I say, my Lords, it was with surprise and, indeed, with regret, that I heard in that speech, observations rendered cruel, unworthy, and offensive, by the circumstance that they were levelled against a man who, in all probability, was not present, but who, if present, could not rise to defend himself. My Lords, in what has consisted one-half of the arguments which the noble and learned Lord used; nay, what has been the nature of almost every argument used by the other side of the House during the last two years? I shall answer my own question. It has been one continued outpouring of invective and abuse against an unfortunate individual, who was not present to defend his conduct. The individual to whom I allude, has been in words, but in words alone, accused of sedition, disrespect to the law, nay, high-treason itself; and in his accusation, every term of contempt, of scurrility, and of abuse, has been raked up with an eagerness worthy of a far more worthy cause. My Lords, the person to whom I allude may deal to a great degree in scurrilous language for aught I know; but I am sure that others use language of as strong a character in abuse of him, as he can in abuse of any man or thing existing, either in reality or in imagination. It was the boast of Falstaff, that he was not only witty himself, but the cause of wit in others. Following his example, loudly may Mr. O'Connell—for I need not say it is to him I allude—boast, that if he is indecent, improper, and intemperate in the language he occasionally employs, he has the satisfaction of making grave and respectable persons, ex-Judges and ex-Lord-Chancellors, and other Lords, learned and grave personages, equally, if not more so than himself. But I shall here leave this topic; before I sit down I shall have an opportunity of remarking upon it, and others of the like kind, in a different way, and address myself to the point from which I diverged. I was proceeding to observe upon the object which the noble and learned Lord and his Friends would appear to have in view. It is twofold. The first point they seem to insist upon is, that the people of Ireland are not in a condition to have these Corporations. This was the position of the noble and learned Lord, and to it I must in the first instance address myself. My Lords, I do not wish to allude to any remark made use of by any noble Lord in a former debate, and above all, I should prefer not to allude to what on a former occasion fell from the noble and learned Lord. I must, however, say, that the feelings, and the arguments which those feelings too plainly prompted, as to its being childish to legislate with respect to Ireland, as you would for England, because that three-fourths of its people were of a different religion (I forbear to use the stronger expressions), was one in every sense unworthy of that noble and learned Lord's ability and station. This observation was confined, it should be observed, to the question of Corporations. He did not appear to think it would be bad policy to assimilate the laws between the two countries in other respects; but to give the people of Ireland Corporations like those accorded to their brethren of England, that idea was childish. Such a proposition deserved but to be scouted. Now, my Lords, I must say this seems to me to be rather an odd way of legislating on this subject. But even putting this consideration (no very absurd one, by the way) out of the question, how weak, how trifling are the arguments of the noble and learned Lord and his colleagues in opposition. The noble Lord tells you, that it would be highly inexpedient to grant Corporations to Ireland on the plan proposed by the House of Commons, because, forsooth, three-fourths of the people of that country were aliens in blood, religion, and language, or, in other words, because he expected, that into the hands of those three-fourths the proposed Corporations would fall. Indeed, now that I recollect myself, the noble and learned Lord had distinctly stated, that he was not disposed to give Corporations to Ireland on the same principle that they were given to England, because, if so, their management would fall into the hands of the majority—namely, the Catholic majority, and so give them a triumph over the Protestant party. Now, my Lords, in the name of reason and common sense, let us examine this argument. It is maintained—we Whigs (as we are called, and I see no reason why I should not adopt the term) maintain that the government of towns and cities ought to belong to the inhabitants or people residing in those towns or cities. We are now, all of us, agreed that the abuses and corruptions of the existing Corporations (forgetting, by-the-by, that those abuses and corruptions arose entirely from the circumstance of a paltry oligarchy being the usurpers of just rights) should be swept away, and the question between us only is, as to whom the power of local management shall be entrusted. We, on this side of the House, contend that the majority of the residents in the towns have a title to this privilege. For what do you on the other side of the House hold out? By admitting, that the existing Corporations should be abolished, you, as a consequence, acknowledge that those who now hold the reins of power are unworthy of their trust. It is admitted, that they are an exclusive body, and, consequently, undeserving of being retained in power. The natural presumption then would be, that those who admitted the exclusiveness of the existing bodies, would seek to remedy the defect by opening them to the great body of the inhabitants at large. But no! They tell us with one breath, that we must not call into existence the corporate system proposed by this Bill—because, forsooth, the three-fourths of the population in whom it was proposed to vest the new bodies, were of an exclusive sect, while with the next they inform us that for the same reason the remaining fourth were unworthy of the trust. You are not to have in power one-fourth of the population, because they are exclusive. You are not to have in power the remaining three-fourths of the population, because they would be exclusive. Who, then, my Lords, are to be the governors, if the majority are not to be? We are told, gravely told, that neither the large portion nor the small portion are worthy of the trust. Who, then, are so? Why the result must be a despotism—nay, the very worst species of depotism. But I wish, without farther delay, to come to the main object of the noble and learned Lord and his colleagues. My Lords, the real object of those noble Lords seems to be founded on two propositions, both of which appear to me absurd and fallacious. The one is, that Corporations responsible to and elected by the people of Ireland are calculated to prove but hot-beds of sedition, tumult, and agitation. The other is, that the privation of the advantages arising in England from such bodies, is sure to secure tranquillity and prosperity in Ireland. Now, my Lords, both of those principles are contradicted by reason and truth, and are, in fact, most extravagant paradoxes. On a former occasion I endeavoured to prove, from history, that those propositions were capable of direct contradiction, and since then I have much reflected on the subject in the hope of discovering an historical illustration of my position nearer home than those I on that occasion mentioned, and I discovered one well adapted to my purpose. It refers to a city of no less importance than the city of London, and to no less a personage than the celebrated John Wilkes. Now, my Lords, let us look what was the conduct of that person when unconnected with the corporation of London, and when he was a Member of it, and let us see if we may not judge therefrom of the effect of these "normal schools of agitation." I shall not go through the very long history of the hon. Member's life, though it is very important as regards the history of the times, and let me add, very instructive. It will suffice for me to commence my narrative from the period when, after being outlawed and exiled, he returned to this country on the eve of a general election. It pleased him, outlawed as he was, to set up for the city of London. What was the consequence? He was beaten by a large majority, as might be expected. Upon the poll being declared, the Government thought it their duty to take fresh proceedings against him, and in consequence he was arrested. Here his triumph commenced. Immediately on his arrest, he began to be regarded as the victim of persecution; and the mob, ever ready to assist the apparently unfortunate, having rescued him from the sheriff, a scene of riot, confusion, and violation of the law, such as, by the way, no town in Ireland presents now or heretofore an example of, commenced in the good city of London The mob paraded him in triumph though Mary-la-bonne, Westminster, Lambeth, Southwark, and Middlesex; their Lordships perhaps recollected, "Numeris fertur lege solutis," in fact, they paraded in all parts of the metropolis but the city of London, where the normal schools of agitation prevailed. Shortly after this event he stood for the county of Middlesex, where there was no Corporation to resist him, and although he bore with him the character of a slanderer, a blasphemer, and the insulter of Royalty even in the palace, and had thrown the whole country in a state of confusion and uproar from which it did not recover for ten years, he was for that county returned to Parliament—and for that county—through the good humour and good sense of Lord North—sat in the House of Commons. But he sat not only there. He also succeeded in obtaining a seat in the Corporation of London, having been chosen not only an alderman, but the Lord Mayor of the great metropolis.

"Fuit Ilium et ingens gloria Teucrorum."

Well, my Lords, in the year 1780, a period of carnage and horror, such as, I believe, finds no parallel in history, followed by a scene of conflagration and ruin which for ever must disgrace this country, took place. This event, though it has been so alleged, was not urged on by any Catholic priest, or by any Catholic agitators. No, my Lords, it was the cry of "No popery" that was nearly laying in ashes at that period this great metropolis. And to whom did the Government in their emergency have recourse to check this scene of bloodshed. To the agitator, the blasphemer, the slanderer of Royalty and the leveller of good order and good institutions —John Wilkes. The then Lord Mayor of London had a constitutional timidity which prevented him from taking any decided step, and the Horse Guards had scruples about marching troops into the city without a warrant from a magistrate. The civic functionary could not be found, nor was he willing to sign the warrant. An attack on the Bank of England was known to be in contemplation, and the city and all it contained seemed devoted to destruction. Where in this emergency did the gentlemen go?—where but to the incendiary, the outlaw, the blasphemer. Wilkes at once came forward, and on being told that the troops could not march without a warrant, said "Well, they shall have one. I, as an alderman, am a magistrate of the city of London, and I will not only sign you a general warrant, but myself march at the head of the troops acting under it." Thus, my Lords, did the man who for ten long years they had been abusing day after day in the House of Commons—whom they had described as an agitator, a breaker of the peace—the man whom they had called every bad name and loaded with every opprobrious epithet, save the city of London from the fury of a mob, and the torch of the incendiary. And how was it, my Lords, this change was brought about in him? By his becoming connected with the Corporation. He became not only a pupil in the school of normal agitation, but an actual usher; and the consequence was, he felt responsible for the honour of his order, and he determined to maintain it. My Lords, these are my morals to be derived from this history. There are some, perhaps, present who sat in Parliament at the period to which I allude, and I should not be much surprised if I now spoke in the presence of some who turn up the whites of their eyes, and affect the utmost horror at the idea of drinking a glass of wine or bowing or shaking hands with an agitator, who did not think it any disgrace to have the good city of London saved by a blasphemer and an abuser of royalty. My Lords, I have not been speaking of Mr. O'Connell, but of John Wilkes, though I admit *mutato nomine*, the same story might be told of him; and yet, my Lords, such is said to be the reason for denying to Ireland the advantages of good government. With respect to the proposition for postponing the question of Reform in those Corporations, I confess I should not be inclined to leave them for another year under the government of those persons whom I will not advert to more particularly, lest I might be betrayed into that species of language which I have already alluded to as having been used by Mr. O'Connell on the one hand, and against him on the other. I confess I am not inclined to hand those institutions over to this band of corporators for another year; for, during that time, I believe they are just the sort of people who would be likely to revel in a good deal of iniquity. I do not believe that the danger which has been represented as likely to accrue to your Lordships' House from agreeing to the measure, as sent up from the House of Commons, is at all to be apprehended. My Lords, I will not attempt to use any very strong expressions on this subject. I will say that my affection and regard for this House—my respect for it as a useful branch of the Constitution—have grown with my growth, and strengthened with my years. It would be more than marvel if I did not deeply feel the great indulgence which I have received from your Lordships ever since I have taken a part in your debates; and, indeed, I feel more particularly sensible of it, since I presumed to take part in those debates with a shattered frame, and still more shattered constitution. But I pray of your Lordships to remember that it is not for yourselves you hold the power and distinction with which you are invested; and that it does not suit your dignity to meet the measures which come before you with a proud and repulsive rejection, and with harsh and violent language. You should remember that the chief reproach which you make towards those whom you charge with using such language elsewhere is, that they attempt, by calumny and vulgar abuse, to punish those who have not exposed themselves to the punishment of the law. If you yourselves indulge the full extent of your feelings, because you are exasperated with such persons, do you not stand convicted of the very offence with which you so indignantly charge them? If this House should act upon such a principle, if it couple with adverse votes, violent declamation and invective of this sort—if we tell three-fourths of the people of Ireland "you are three-fourths of a nation, but we are in no degree bound to administer to such a class of people as you the same laws and the same justice which we give to the others," would not those three-fourths of the nation have full reason to complain of a wrong done to them? It is pitiful to talk about the Bill as it originally came from the Commons, or as it now stands,—legislating in one way for one part of the country, and in another way for another. All the noble and learned Lord's eloquence has failed to make out his case upon such an argument. He lays down a rule from which no circumstances will cause him to swerve. My Lords, there is a story I have read about some Chinese manufacturer rather in point:—An English gentleman wanting a dessert service, made after a peculiar pattern, sent over to

China a specimen plate, ordering that it should be exactly copied for the whole service. It unfortunately happened, that in the pattern plate so sent over, the Chinese manufacturer discovered a crack: the consequence was, that the entire service sent over to the party ordering it had a crack in each article carefully copied after the specimen crack. So the noble and learned Lord seems to say, that if this Bill were not marked in every part with the Crack *à la Chinoise*, it shall be called "not according to pattern," and not be accepted at all. My Lords, if we continue to act upon such a principle as this, I do feel that we shall go well nigh to forfeit the respect for our character, which it should be our constant aim to perpetuate. My Lords, much has been said in reference to alleged menaces directed against this House: — as, on the one hand, anything approaching to menace should be regarded with some degree of suspicion, so, on the other, judicious and respectful admonitions should not be treated with scorn. There have been men high in rank, in power, and in talent,—as Burke, Fox, Lord Chatham, the Duke of Richmond,—who have held it to be their duty to direct strong admonitions to this House; and, my Lords, had these admonitions been attended to, what stores of gold, what streams of blood would have been saved to this country! My Lords, my belief is, that this House is at present safe in the affections of the people; but still it must not attempt to legislate in a spirit of hostility to the people, nor too far presume upon the affection which I have said I believe the people at large entertain towards us. That affection is still strong in the people's hearts; but I cannot refrain from stating my conviction, that the course which noble Lords opposite have so often pursued, and still more, the arguments and the language which they make use of in defending that course, are not calculated to give additional strength to that affection. My Lords, I conjure you, if there be time—I conjure you to change the resolution which you have unhappily adopted in reference to the present subject; and I implore of you to grant to the people of Ireland that justice to which they are so eminently entitled, and to which, in my conscience, I believe this country believes them to be entitled.

Lord *Lyndhurst* begged to say, that the noble Baron had forgotten, that he (Lord Lyndhurst) was upon his defence when he had spoken, and that he had been invited to that defence. Perhaps, the noble Baron would allow him also to remind him, that the first time the name of that individual to whom he had alluded in the course of his observations, had been mentioned in terms of reproof, was in the speech dictated by the noble Baron himself.

Lord *Holland* said, in explanation, that he merely had complained of notice having been taken of proceedings in the House of Commons, and of the expression of "normal schools of peaceful agitation." With regard to the speech dictated by his noble Friend's Administration, he could say, there was not the shadow of foundation of truth for stating, that the individual to whom the noble Lord referred, had been directly or indirectly alluded to in that speech.

The Duke of *Wellington* observed, that the noble Baron having been absent from the House during the greater portion of the evening, and more particularly during the early portion of it, he had heard none of those addresses which had been presented to that House, entreating their Lordships not to attend to the threats which had been levelled against them. The noble Baron must elsewhere, however, have heard of those threats, and yet he said that their Lordships had for their object, the crushing of an individual. Now, he had heard no speech to-night, on the part of any noble Lord, which had for its object any thing, except the defence of the character of that House, and the character of a Peer, from the attacks of that individual. As for his own part, he had already expressed his sentiments, with regard to those threats, which had met with the approbation of noble Lords opposite, and likewise of the noble Lord who sat upon the cross bench. He had entreated their Lordships not to attend to those threats or menaces on the one hand, and on the other, he had entreated them not to be swayed by the apprehension that it might be said that they had attended to those threats; but that they should follow the course they thought most proper, according to the best of their judgment, for the interests of the country. One would suppose, from what the noble Lord had said, that the people of Ireland, that was to say, the majority, or three-fourths of the people of Ireland, had always been in the enjoyment of local government and Corporations. Now, that which he and his friends were prepared to admit was, that the existing Corporations in Ireland, had been conducted on a very exclusive principle, and in a manner which afforded a very reasonable ground for dissatisfaction in the country. They were prepared in consequence of this, to put an end to these Corporations. They had heard a great deal about the rights of the people of Ireland, in connexion with Corporations, but he knew of no right they had in Corporations, excepting, in those granted by the King's charter, or by Act of Parliament. He was disposed to put an end to these Corporations, on account of the principle upon which they were established, having been exercised contrary to the spirit of different Acts of Parliament, from the year 1793, down to the present time. But the noble Viscount (Melbourne) and the Bill sent up from the House of Commons went further. They went so far as to say, that you shall not only put an end to these Corporations, on account of their exclusiveness, owing to which three-fourths of the population never derived any advantage from them, but you shall form other Corporations in their stead, the governing power of which shall be elected by that part of the population, which had previously never derived any advantage from Corporations, and shall be placed exclusively in the hands and under the control of the three-fourths. Noble Lords opposite had drawn a comparison between this measure and Catholic Emancipation, which was nothing more nor less than a measure for enabling a class of persons, who had long had a right of voting for Members of Parliament, to sit in Parliament, and to hold all corporate offices, which, by the bye, they also had under the operation of the Act of 1793. But what did this measure propose? Why, not only that they should have the right of sitting in Parliament and electing Members to serve therein, but that they should also have the right exclusively of governing all those towns from the government of which they had been excluded, almost to a man, from the remotest period, down to the present. The noble Baron (Holland) said, that it had not at all been shown that the persons who would be elected to govern those towns, would all be persons of that description or class, and he had endeavoured to prove it by a variety of anecdotes, through which he (the Duke of Wellington) would not follow him. The noble Baron said, too, if it even were shown, that still it did not signify in the least, because on the government of towns, being once made over to that class of persons, they would soon become the greatest people in the universe. He wished to call to their recollection who those persons were, by referring to former transactions, and to those they saw going on every day; and then to ask their Lordships, was it possible they could transfer those towns over, to the government of those persons, with justice to the other classes of the community, who were those who, at present, wielded the power. The House would see, that the lower classes of persons who would elect the town-council, were almost entirely Roman Catholics, and that the persons to be most affected by taxation, the power of which would be placed in the Corporations, would be Protestants. If noble Lords would look to the Report of the Committee of the House of Commons, they would see it was absolutely impossible that the great body of those who were to govern those towns could be of any other persuasion than that, of Roman Catholic. He would say, then that the Bill before the House, would give to the poorer classes of the community, the power of taxing their more wealthy fellow-citizens, a system to which he could never consent. It would be a most monstrous power to confer. The lowest class of persons were to elect these town-councils, and the town-councils were to have the power of levying taxes, not equally upon all the people, and in the form of county-rates, or as the town-council had in England, but according to the principles of the 9th of George 4th. by which men would have to pay singly, doubly, trebly, and quadruply, in proportion to the amount of the property of which they happened to be possessed. Now, he would say, that that was a most unjust system of taxation. It was very well when carried on under the operation of the 9th George 4th, voluntarily applied, but when the provisions of that Act regarding taxation came to be forced upon the people by these town-councils, elected as he had described, then would he protest against it as one of the most unjust principles that had ever been adopted by any Legislature. He begged their Lordships to observe, that this principle of taxation was by the Bill, as it now stood, to be forced, for instance, upon the citizens of Dublin, Belfast, or Cork, and other towns now governed by Local Acts of Parliament, in addition to the taxes already impossd by those different Acts; and if any towns should happen to have adopted the 9th of George 4th, and voluntarily submitted to be taxed according to its provisions, by the persons and for the objects therein recited, they would besides have to be taxed over again by these town-councils. It was, therefore, upon this ground—the Corporations being formed for no other purpose whatsoever, but for the purpose of taxation, every thing else to be provided for having been positively taken away from them by the Bill and handed over to the Lord-Lieutenant—it was upon this ground that he for one would support the measure as formerly sanctioned by their Lordships, and reject the amendments sent up by the House of Commons. But there were other parts of this subject to which he thought it necessary to advert, although they had been already fully discussed by his noble Friend on the floor (Lord Ellenborough), and by his noble and learned Friend behind him (Lord Lyndhurst). The noble Viscount (Melbourne) who commenced the debate, as well as the noble Earl (Grey) who spoke from the cross-bench, expressed their great satisfaction at the moderation which had been shown by the House of Commons with reference to this subject. He was not disposed to state any thing at all calculated to create or increase any irritation between the two Houses of Parliament; but he must be allowed to say, that he did think, when the House of Commons charged their Lordships' House with a departure from precedent, they ought to have stated some point or other on which they had departed from precedent; because he considered a departure from precedent by that or the other House of Parliament a most serious charge; it was neither more nor less than an usurpation on the part of either House when it did depart from precedent in relation to its proceedings with another. But he maintained, their Lordships' proceeding in this instance was in no degree to be considered as a departure from precedent. In the first place, it was no departure from precedent to instruct the Committee to make an alteration in the Bill; in the next place, it was no departure from precedent to strike out one of the principles of the Bill; and it was no departure from precedent to make the most extensive alterations in the Bill; nor was it any departure from precedent to alter the title of the Bill. On all these points the House had proceeded according to the usual practice in such cases, nor was there in any one respect the slightest departure from established precedent. The noble Baron who had just sat down, indeed, endeavoured on a former occasion to prove that the instruction to the Committee was a departure from precedent, and he quoted a passage from the Journals of the House, which, however, the noble Baron did not apply quite correctly. The passage, as stated in the Journals, did not go the length of declaring that the whole proceeding in question should not be drawn into a precedent; but merely that one particular part of it, which did not at all bear on this question, should not be so interpreted. [Lord *Holland*: The case refers to the whole proceeding.] He begged the noble Baron's pardon. He was perfectly master of the case. The very next day after the quotation had been made, he had the honour of meeting the noble Baron, when he referred to the Journals and found that the precedent did not bear out the noble Baron's assertion. That was what was stated in the proceeding; but he repeated nothing had occurred in the whole history of this matter which could on the part of that House be deemed a departure from established precedent; and when such a charge was made against the House of Lords, some notion should in justice to them be given in what that departure from precedent really consisted. It was perfectly true, as stated by his noble Friend, that it might not be desirable to make very extensive alterations in a particular Bill; but if Bills were sent up from the other House of such a character or in such a shape as rendered it necessary for them to make great and extensive changes, their Lordships should boldly and fearlessly introduce those alterations, and trust to the good sense of the other House and of the public to justify them for having honestly discharged their duty. But in this case the House having made those extensive alterations in the Bill, found it to be their duty to alter its title; and that certainly was not in any way inconsistent with precedent. His noble and learned Friend (Lyndhurst) had referred to the Grampound case, which had occurred within a very few years, and where the title of the Bill, as well as one of its principles, had been changed. Under all these circumstances, he could not see that any departure from precedent had taken place. But there was another point well worthy their Lordships' attention—he alluded to the clause which had been inserted in the Bill, as amended by the House of Commons with respect to the 9th of George 4th. The 9th of George 4th was merely a permissive Act—it was forced upon no one. The towns might accept it, or let it alone, as they pleased. But what did this Bill do? It imposed the provisions of that Act on twenty towns in Ireland, whether they approved of them or not, whether governed at present by Local Acts or not; in every one of those cases the Act was imposed on them, and they were to be governed by it in future. What his noble and learned Friend had stated upon the subject of Local Acts was well worthy their Lordships' consideration. There was no instance in which a proposition was made for governing a town by the provisions of a Local Act of Parliament in which all the parties had not previous notice of the inclination to apply for that Act, and in which they were not heard if they thought proper before Committees of both Houses of Parliament, and in which they had not every opportunity they could wish of deciding for themselves whether or not they would accept the provisions by which they were in future to be governed. But was this the case with respect to those twenty towns? None of them had accepted this Act, yet with all its enormous taxation, it was to be imposed on them without their consent. The 9th George 4th being optional, it was by virtue of an alteration in a clause proposed by the House of Commons to be made permanently compulsory; the House of Commons taking the matter once into consideration, and their Lordships only allowed to take it into consideration once —without, therefore, he must be allowed to say, the due and adequate consideration of Parliament, it was to be at once imposed on those twenty towns in Ireland. That was a most material consideration with respect to the Amended Bill. The noble Earl (Earl Grey) who spoke from the cross-bench, and whom he (the Duke of Wellington) always heard with the utmost satisfaction, and particularly on the present occasion, had proposed to their Lordships a plan for carrying this measure into execution, of which he had heard something before, but which he could not but consider altogether impracticable. It appeared to him, in the first place, that in the existing state of this proceeding it was absolutely impossible for the House to adopt such a scheme. He entertained objections to such a scheme under any circumstances; but he was quite certain it was wholly impossible at present for the House to adopt that proposition. What they had before them now was a proposal made by the House of Commons to alter certain amendments made by their Lordships in the original Bill; and care should be taken not to depart from the usual rule of proceeding on such an occasion. He believed he was not mistaken in saying, that those rules of proceeding would totally prevent the adoption of the noble Earl's plan. But if those rules permitted its adoption, he confessed he had other objections to it; to some of which the noble Earl (Earl Grey) had himself adverted, and which were perfectly conclusive against it in his (the Duke of Wellington's) mind. That measure must at all events be connected with the forced imposition of the 9th of George 4th, and all its accompanying taxation on the several Corporations, and to that he could not feel other than the strongest objection. The noble Viscount thought proper on a former occasion, upon discussing this measure, to state that the amendments proposed to this Bill had not, he was convinced, been suggested by a right hon. Friend of his who first mentioned them in another place; that they were stronger measures than either his right hon. Friend or he himself would have thought of proposing, and that they must have been suggested by others who were younger, and possibly not quite so cautious. He must be permitted, however, to say, that he believed his right hon. Friend in the other House was the person who originally proposed them, while he would tell the noble Viscount that the present was only a modification, and a very bad one, of what, on a former occasion, had been rejected by their Lordships. Their Lordships' Bill certainly went the length of destroying the Corporations, because they had been the cause of dissatisfaction in Ireland; but they did not propose to put the inhabitants of the towns in Ireland under the government of the adverse sect, who were supposed to have been oppressed by the former Corporations. They desired that those towns should, in the first instance, be governed—the noble Lord (Lord Holland) said despotically; but he said not despotically, but governed by the King, as Westminster, as Southwark, as Finsbury, as Manchester, as Birmingham were, and if the towns in Ireland were governed as well as any of those places he had mentioned, there could not, he conceived, be much ground of complaint. At all events they saved them from the grievance which the noble Lord would inflict on them, that of being taxed by a town-council, elected by the lowest orders of the people, upon a principle admissible, perhaps, where the provisions of the Bill were voluntarily adopted, but altogether unjust, if forced by Parliament upon any one without their consent. Their Lordships having on a former occasion fully considered this measure, and the House of Commons having done no more than proposed to them a modification of what had previously been rejected, he recommended their Lordships to persevere in insisting on their amendments.

The Marquess of *Westmeath* was of opinion that their Lordships had the interest of the people of Ireland at heart, or otherwise he would not sit among them. It was mere gibberish to talk of justice to Ireland in the way it had been spoken of by certain agitators, and he was glad that their Lordships distinguished between them and the people of Ireland. He quite agreed with the noble Duke who had just sat down, and nothing should induce him to consent to a Bill which gave such vast power of taxation.

The Duke of *Richmond* felt the deepest regret that their Lordships had not, on a former occasion, acceded to the proposal which he had made upon this subject. The House of Commons had given way much more in their amendments than their Lordships were called upon to do. What was the principle they were called on to concede to the House of Commons? So far as he understood it, it was a true and just one—the principle of giving to the people of Ireland the power of managing their own local concerns. Was there any one in that House who would say that after having conferred on the people of that country the power of voting for Members of Parliament, they should be deprived of the power of appointing a Mayor, a Town-clerk, and perhaps an individual, to take care that just weights were used in the town? The principle of the Bill was to give to them the same advantage which had been conferred on England and Scotland; and although the noble and learned Lord declared that he meant not by his opposition to the Bill to insult Ireland, he might agree with him as to the intention, although the effect which would be produced in Ireland was altogether a different question. He asked whether those persons who wished to agitate in that country would not make use of this effect to rouse up the people of Ireland? The House of Lords unanimously declared, that those who had the management of Corporations in Ireland had been guilty of the grossest abuses through which they had been reduced to a state bordering on insolvency—that was universally admitted—it could not be denied; but they would neither agree to the proposal of the House of Commons, nor adopt the course recommended by his noble Friend on his left (Earl Grey), which he could not think inconsistent with the orders of that House. They would agree to neither; and by rejecting both plans, they insisted on giving Ireland the benefit of those rotten pauperised Corporations for another year. Was that reform? Would any man in the country call that reform? Noble Lords on the other side said very readily, show us abuses, and we will be the first to correct or get rid of them. How different was the course which they were now pursuing? Upon this he took his stand; there had been abuses and great consequent inconvenience; but noble Lords would not repair, they would not reinstate the old institutions of the country, they would destroy and sweep them from the face of the earth, whether established by royal charters or acts of Parliament. They would get rid of them because they would not admit the principle that the people of Ireland had a right to manage their own municipal affairs. He entirely concurred in what the noble Duke (the Duke of Wellington) had stated, that their Lordships ought not to be influenced by threats or intimidation; in his opinion there was not a greater coward on the face of the earth than the person who feared to do his duty lest his motives might be misinterpreted. The Commons had gone farther than their Lordships were now called on to concede; and he asked them seriously to consider whether they did think collisions between the two Houses of Parliament were very safe and altogether expedient measures? He, for one, would, like his noble Friend, stand by the maintenance of the privileges of the Peers, because he believed they would only be exercised in the long run for the benefit of the country at large; but was it discreet, was it expedient, to give agitators the power of directing all the passions of the people against them? Was it wise to accustom the minds of the people of England to the contemplation of such unseemly collisions, or to the doctrine that the Peers must be destroyed? Such consequences should be avoided. They could by adopting the amendments proposed by the Commons, or by taking the course pointed out by his noble Friend near him (Earl Grey), evince to the country at large and the representatives of the people, a desire to imitate them in the discretion and moderation they had shown. He knew well he could not be expected to have any weight in that House, but he did beg and implore their Lordships to pause before they threw out the whole of the Commons' amendments, or consented to postpone the matter till the next Sessions of Parliament. A great and important principle was involved, and he did not see why, like the unwilling payment of an acknowledged debt, it must wait another year. The noble and learned Lord (Lord Lyndhurst) had said that some individuals had been sent over to Ireland in order to agitate that country, but had failed; now that was one of the arguments for assenting to the Commons' amendments, for there were many men in Ireland who told the people they never could get justice without agitation. And if agitation in the present case had not succeeded, he called upon their Lordships to give them this boon in order to show that they were determined to do justice without inviting the people to adopt violent if not illegal means in order to obtain it. On the whole he entreated their Lordships to take at least some time to consider before they absolutely rejected the two proposals which had been made to them. He was delighted to hear the tone of moderation which they had assumed, and he hoped the result would show to the country that they were ready to confer that boon and that justice which Ireland required at their hands.

Lord *Wharncliffe* was surprised, that while the noble Duke who had just sat down seemed so strongly to deprecate any thing like yielding to threats and intimidation, he should have thought it necessary to administer so many warnings to their Lordships, and urge them so strongly to take care of themselves, as if their very existence were endangered by the course they were about to take with respect to this Bill. He believed their Lordships were there to give a full, and a fair, and deliberate consideration to the amendments which had been made in the Commons; they were prepared to do their duty, and having done so, to throw themselves upon the country and abide by its impartial decision. The House of Commons had been praised exceedingly by noble Lords on the other side for the moderation they had shown upon the present occasion. He entertained every possible respect for that House; he had sat in it for many years, and he should be the last person to throw any species of imputation upon it. The Members of that House were the representatives of the people, and their decision was entitled to the greatest respect; but he must be allowed to say, that he could not in the present instance join in the praises which had been lavished on their moderation, or look on the Bill as a proper compromise. What sort of compromise did the Commons propose? Let their Lordships for a moment look at the principle, right or wrong, on which they differed from the Commons. The Commons sent up a Bill first of all abolishing all the Corporations of Ireland, on the ground that being exclusive and corrupt they were wholly unfit for the present state of society; their Lordships agreed in that principle to abolish all Corporations in the manner proposed by the Bill. But their Lordships maintained that if they proceeded on the plan suggested by the Bill to create exclusive Corporations of another character, to be composed of Roman Catholics, the necessary consequence would be, that they would be made the instruments of farther agitation, for more destructive purposes, on the part of those who had so long agitated Ireland. They were told they must not think of waiting another year, lest agitation should in the mean time spread and produce other and more serious circumstances than any which now existed; but, in his view, any agitation that could take place in one year, was of no consequence when compared with the evils which must result from the adoption of such a piece of legislation as the original Bill. The House of Lords said, "We will abolish Corporations. The boroughs shall have their municipal affairs managed under Act of Parliament, and their property shall be put into the hands of those trustees whom the Commons propose." But the Commons did not approve of this, and required that the towns should place themselves in the hands of certain persons, to be taxed to a considerable amount. It appeared to him extraordinary that one of the amendments of the Commons went to repeal, or alter entirely, an existing enactment; for the 9th of George 4th said, that if a certain proportion of the inhabitants consented to be taxed in a particular way, they might adopt that Act, this amendment said they must be so taxed, whether they wished it or not. The objection entertained by the noble Lords near him did not apply particularly to such towns as Belturbet and New Ross; but if it was true that the power to be conferred by the Bill would be made use of in the way they apprehended, the danger was in the larger towns. With all respect for the Commons he must say, that, while they affected an appearance of candour, they resorted to what, in fact was a subterfuge. He now came to a new feature in the debate. H had heard with great satisfaction the speech of the noble Earl (Grey) his noble Friend, if he would allow him to call him so, on the cross bench. He witnessed the return of his noble Friend to the House with great pleasure. The sound of his noble Friend's voice delighted all within those walls. His noble Friend had suggested an alternative which he thought might get rid of the difficulty. He himself was one of those who thought that almost all political matters must at last be decided by compromise. If the Commons and the Lords were at variance on a principle, there was no means of getting rid of the difficulty but by a compromise. But that compromise must be honourable to both parties. The proposition of his noble Friend was, that, by a new mode of voting, one of the great objections of the noble Lords at that side might be obviated. He confessed that he did not altogether agree with the noble Duke behind him. He thought that at a future time this might be a fair subject of consideration; but he did not believe that at the present moment, in the existing state of the matter, and the situation in which the two Houses were placed, the adoption of that proposition would be sufficient to reconcile their difference. But if there was any motion of the sort he should have been glad to learn from noble Lords on the opposite side, that something like an adoption of it was proposed. He should like to hear the noble Baron say, that the Friends of the Government in the House of Commons were ready to adopt it. Fot his own part, he did not see so much harm in waiting for a few months. He would rather encounter all the danger to be apprehended from agitation, in order that at the end of that time they might arrive at a conclusion that would be satisfactory. He could only say, so far as he was conserned—and he was sure he might say, as far as those with with whom he acted were concerned—it was their anxious wish to avoid, as far as possible, a collision with the Commons. But he would conclude as he had begun, by saying that if the House of Lords had a particular opinion upon any one measure, they, as a second branch of the Legislature, were there for the purpose of giving their opinion on that measure and no other, and they were bound to act upon the opinion which they so conscientiously entertained.

Viscount *Melbourne* said: I beg to be allowed to trespass on your Lordships' attention for a few moments—and it will be for a few moments only—especially as your Lordships seem to have made up your minds as to the course you will pursue, and I feel it is most improbable that I shall be able to produce any conviction which the eloquent and powerful appeal of my noble Friend on the cross benches—an appeal characterised by the soundest wisdom, combined with the greatest temper—has failed to produce, to induce your Lordships to pause in the career which your Lordships seem to be bent on pursuing. I should be happy if I could acquiesce in the admonition given by the noble Lord whom I see opposite, who recommended that this debate should be conducted in a tone entirely free from any thing like heat or violence; but there have been some statements made by the noble and learned Lord who spoke second in the debate of this evening, which I cannot altogether pass over, and which I cannot refer to without some feeling. I must here declare, that I do not by any means agree with the noble and learned Lord in his constitutional doctrine, that a change of Government necessarily calls for, or justifies, a dissolution of the House of Commons. I beg to say, that I by no means admit that doctrine, and I may add, that when a change in the Government brought us into power we did not act on that principle. We were able to send the Members of our Government before the people, and, with the exception of the loss of the noble Lord, the Member for Devonshire, succeeded in procuring their return; and I believe it was the consciousness entertained by the Government which preceded ours of the impossibility of effecting that object that was the cause of their dissolving Parliament in the beginning of the year, which I always considered to be a measure totally without justification. The noble and learned Lord has also stated, that I said, on a former occasion, that this House ought to yield to the other House of Parliament, because that body is the representative of the people. My Lords, I never said, or never meant to say, any such thing. If I ever uttered such a thing—and I cannot believe that I ever did—it was far, very far from my intention. I never meant any such thing, and I never said any thing to impair or diminish the efficacy of your Lordships' action, or to impair or diminish the independent power which you exercise for the benefit of the Constitution. The noble and learned Lord has also told you, that the remarks which he made on a former occasion passed without any observation or comment from me when he first used them. That is perfectly true. The reasons of my silence at that time I need not enter into now. But recollecting afterwards that they had not been remarked at the time, I determined to advert to them on a future occasion, not with the intention of exciting any warm or angry feeling, but with the intention of replying to them in argument. The noble and learned Lord told me on a former occasion, that he never would explain the words on which I had commented. He said, that he had not used them in the sense in which they were supposed to have been used, and that he was fully justified in using them in the sense in which he had employed them. Now, giving all the attention which I could command to the observations which the noble and learned Lord has addressed to us this evening, I must say that I heard nothing but a decided repetition of his former expressions from the noble and learned Lord, and that I heard no justification of them, save that they were only the repetition of similar language used by Mr. O'Connell—or, in other words, that the expressions were such as Mr. O'Connell had frequently set the example of. Considering the character and station of the noble and learned Lord, I heard with deep concern those expressions fall from him on a former occasion—I have heard the repetition of them this night with increased concern, and with that remark I shall quit this part of the subject. The noble and learned Lord has also been pleased to say, that I have made on the present occasion an extravagant speech. That is mere matter of taste; and for my own part I entertain just the same opinion of the noble and learned Lord's speech which he appears to entertain of mine. When the noble and learned Lord says, that if he were desirous of destroying all property in tithe, of destroying the Irish Church, of repealing the Union, and of separating the two kingdoms, he would vote for this Bill, I must in return say, that I consider such an assertion highly extravagant, and bearing marks of that exaggeration which the noble and learned Lord has so frequently employed in discussing the merits of this Bill. The noble and learned Lord has also been pleased to add, that I was urged on and compelled by others to make a very violent speech in my own justification. Now, I state distinctly, once for all, that my opinions, whatever they may be, are my own. I go as far as I think proper, and I know myself very little, if any one man, or body of men, can force me to go one step further than I wish. If the noble and learned Lord has received his information on this subject from any one else, I take the liberty of informing him explicitly and unequivocally that his information is incorrect. If the noble and learned Lord has collected his information from his own judgment, I beg leave to tell him that on this occasion, at least, his judgment has deceived him; and, after this distinct and solemn disclaimer on my part, I trust that the noble and learned Lord will see the propriety of not repeating again that insinuation. I certainly had great hopes that the forcible appeal which was made by my noble Friend on the cross-benches would have had some effect, and would have induced your Lordships to have further considered the step you are about to take. In the speech which was delivered by my noble Friend I entirely concur. I entirely concur in that part of it which vindicated his own government as it ought to be vindicated, from any intention of not doing entire justice to Ireland, and not feeling on every subject connected with that country as warm and as earnest an interest as it is possible for men to feel. With respect to the proposition which my noble Friend suggested, and which he had not communicated to the Government, I certainly must say, in candour, that I see some difficulties in the way of its adoption; but if noble Lords on the other side of the House had shown themselves willing to consider it, we, also, should have been willing to have given it our calm consideration. I cannot, however, consent, according to the suggestion of the noble Lord, to stop short in the measure now before us—to postpone the further consideration of this measure, which I believe to be founded on right and justice, and which has for its object the benefit of the country. I cannot consent to do this for the purpose of introducing an entirely new measure. The noble Duke urged several objections against the measure, which in my opinion are not tenable, as for instance his objections to the power of taxing given to the new boroughs, and to the imposition of corporation officers upon those boroughs which had accepted the Act of the 9th of George 4th. These contingencies are amply provided for. Some of the objections which have been urged are greatly exaggerated, if not without foundation. The reason why the tolls cannot be collected, is, that there exists a general impression as to their misapplication; but if their management be intrusted to a body in whom the people have confidence, there is reason to believe that there would be no longer the objections to the tolls which now exist. As to the objection that these new Corporations would have no duties to perform, it has been sufficiently answered by the statement of my noble Friend, that in Dublin and other large towns the powers of some of the Local Boards may be beneficially transferred to the new Corporations. There are points connected with this subject as was suggested by the noble Baron the other night, which it would be necessary to reconsider. Permit me to conclude by saying, that I hope your Lordships will reconsider what you are doing. The way for you to act is to trust the people of Ireland—the way for you to act is to trust the great body of the people. It is the only way to govern the people under a popular form of government. If you think there are other evils which may arise, if there be such a state of circumstances, then you will find other remedies for those evils. But depend upon it you cannot go back to a system of exclusion.

Their Lordships divided—Content 123; Not Content 220;—Majority 97.

List of the CONTENT.—*Present.*

Lord Chancellor
DUKES.
Norfolk
Richmond
Grafton
Cleveland
Sutherland
MARQUESSES.
Lansdowne
Breadalbane
Westminster
Northampton
EARLS.
Shrewsbury
Thanet
Carlisle
Scarborough
Albemarle
Ilchester
Radnor
Clarendon
Charlemont
Grey
Minto
Stradbroke
Burlington
Litchfield
Spencer
Chichester
Fitzwilliam
VISCOUNTS.
Torrington
Leinster
LORDS.
Howard of Effingham
Sundridge (Duke of Argyll)
Minster (Marquess Conyngham)
Glenelg
Duncannon
Dacre
Stourton
Paget
Petre
Say and Sele
Teynham
Howland (Marquess of Tavistock)
King
Holland
Vernon
Ducie
Foley
Suffield
Dundas
Lilford
Dunalley
Glenlyon
Crewe
Gardner
Hill
Melbourne (Viscount)
Somerhill (Marquess of Clanricarde
Rosebery (Earl)
Kilmarnock (Earl of Erroll)
Sefton
Kenlis (Marquess of Headfort
Chaworth (E.of Meath
Poltimore
Segrave
Templemore
Dinorben
Hunsdon (Visc. Falkland)
Boyle (Earl of Cork)
Solway (Marquis of Queensbury)
Denman
Hatherton
Strafford
Langdale
Clements (Earl of Leitrim)
BISHOPS.
Chichester
Bristol

Proxies.

DUKES.
Sussex
Bedford
Devonshire
Marlborough
Brandon
MARQUESS.
Winchester
EARLS.
Derby
Huntingdon
Suffolk and Berkshire
Essex
Oxford and Mortimer
Ferrers
Gosford
Mulgrave
Camperdown
Durham
Granville
Craven
LORDS.
Dudley
Arundel of Wardour
Dormer
Byron
Ponsonby
Sherborne
Carleton(Earl of Shannon)
Dorcherter
Auckland
Lyttleton
Mendip
Wellesley
Erskine
Granard
Lynedoch

Ranfurly (Visc. Northland)
Plunket
Brougham
Fingall
Rossie(Earl Kinnaird)
Ludlow
Hamilton (Earl of Belhaven)
Howden
Mostyn
Cloncurry
Godolphin
Yarborough
Montfort
Western

BISHOP.

Norwich

List of the NOT CONTENT.—*Present.*

DUKES.

Cumberland
Beaufort
Newcastle
Wellington

MARQUESSES.

Salisbury
Hertford
Bute
Abercorn
Exeter
Camden
Cholmondeley
Ailesbury
Bristol
Westmeath

EARLS.

Devon
Westmoreland
Winchilsea and Nott.
Chesterfield
Sandwich
Doncaster (Duke of Buccleugh)
Shaftesbury
Abingdon
Jersey
Dartmouth
Tankerville
Aylesford
Poulett
Talbot
Brooke and Warwick
Hardwicke
Bathurst
Hillsborough
Digby
Beverley
Mansfield
Liverpool
Carnarvon
Bandon
Rosslyn
Wilton
Onslow
Limerick
Rosse
Manvers
Orford
Lonsdale
Harrowby
Amherst
Verulam
Brownlow
St. Germains
Beauchamp
Glengal
De Grey
Falmouth
Vane (Marquess of Londonderry)
Caledon
Powis
Ripon

VISCOUNTS.

Hereford
Maynard
Sydney
Hood
St. Vincent
Gordon
Exmouth
Beresford
Combermere

LORDS.

De Roos
Willoughby de Broke
St. John, of Bletso
Saltoun
Colville
Reay
Hay
Sondes
Boston
Southampton
Rodney
Montagu
Kenyon
Braybrooke
Douglas, of Douglas
Gage
Thurlow
Bayning
Bolton
Wodehouse
Fitzgibbon
Dunsany
Carbery
Dufferin
Loftus (M. Ely)
Alvanly
Redesdale
Camden
Ellenborough
Sheffield (Earl)
Manners
Meldrum (Earl Aboyne)
Prudhoe
Colchester
Ormonde (Marquess)
Maryborough
Ravensworth
Delamere
Forester
Penshurst (Viscount Strangford)
Farnborough
De Tabley
Wharncliffe
Lyndhurst
Tenterden
Melros (Earl Haddington)
Cowley
Stuart de Rothsay
Heytesbury
Clanwilliam (Earl)
Skelmersdale
Wallace
Wynford
Fitzgerald
Abinger
De Lisle
Ashburton
Rolle
Bexley
Grantley
Sinclair
Clinton
Bagot

ARCHBISHOPS.

Canterbury
York
Armagh

BISHOPS.

Winchester
Bangor
Exeter
Lincoln
Rochester
Gloucester
Down and Connor
Cork, Ross, & Cloyne

Proxies.

DUKES.

Leeds
Manchester
Dorset
Northumberland
Buckingham
Rutland

MARQUESSES.

Thomond
Tweeddale

EARLS.

Pembroke and Montgomery
Lindsey
Cardigan
Plymouth
Morton
Home
Elgin
Airlie
Leven and Melville
Selkirk
Orkney
Macclesfield
Harrington
Guilford
Mount Edgcumbe
Malmesbury
Enniskillen
Lucan
Belmore
O'Neill
Somers
Clancarty
Bradford
Eldon
De la Warre
Stamford and Warrington
Mayo
Buckinghamshire
Munster

VISCOUNTS.

Arbuthnott
Doneraile
Melville
Sidmouth
Lorton
Gort
Canterbury

LORDS.

Berners
Forbes
Gray
Dynevor
Walsingham
Tyrone
Stewart of Garlies (Earl of Galloway)
Saltersford
Carrington
Northwick
Farnham
St. Helens
Rivers
Arden
Hopetoun (Earl)
Ker (Marquess of Lothian)
Oriel (Visc. Ferrard)
Downes
Wigan (Earl of Balcarres)
Churchill
Ardrossan (Earl of Eglintoun)
Clanbrassil (Earl of Roden)
Harris
Feversham
Berwick

BISHOPS.

London
Chester
Oxford
Bath and Wells
Carlisle
St. Asaph

St. David's Salisbury
Worcester

Lord *Ellenborough* moved for the appointment of a Committee, to draw up the reasons for their Lordships differing from the Commons' amendments. He thought it of importance that the communications they had to make to the Commons should be made as speedily as possible.

Motion agreed to.

HOUSE OF COMMONS,

Monday, June 27, 1836.

MINUTES.] Bills. Read a second time:—Paper Duties; Ottoman Dominions Consul; Bills of Exchange; Entailed Estates (Scotland).—Read a third time:—Loan Societies (Ireland).

Petitions presented. By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).—By several HON. MEMBERS, from various Places, praying the House to Adhere to the Provisions of the Irish Municipal Corporations' Bill as originally passed by them.—By Mr. EWART and Mr. POULETT THOMSON, from Liverpool and Manchester, in favour of Jewish Civil Disabilities' Bill. By Mr. FERGUS, from Anstruther and Allandyke, for Alteration of Stamp Duties' Bill.—By several HON. MEMBERS, from various Places, against Turnpike Trusts' Consolidation Bill.—By Mr. HURST, from Horsham, for Revision of Criminal Code.—By Mr. A. CHICHESTER, from Chard, for Measures to improve the condition of Pauper Lunatics.—By Mr. BARLOW HOY, from Southampton, complaining of the Regulations of the Post Office for Southampton.—By Mr. BROTHERTON, from Manchester and other Places, against the Factories' Act Amendment Bill.—By Mr. VERNON SMITH, from Kettering; and Mr. THORNELEY, from Bilston, for the Abolition of Church Rates.—By Mr. GEORGE PALMER, from Merchants of London, deprecating all attempts to overawe the House of Lords; and by Mr. THORNELEY, from the Staffordshire Banking Company to require from private Banks an Account of their Assets.

TRADE TO JAVA.] Mr. *Patrick Stewart* presented a Petition signed by 150 of the most respectable merchants and manufacturers of Glasgow complaining of the infraction by the Dutch of the Treaty of 1824, regarding the importation of British goods into Java, and calling on the House to compel the Dutch Government to adhere to the terms of that treaty. The cession of that island to the Dutch took place at the close of the war, and subsequently the Dutch made several successive efforts to impose higher duties on the British goods imported there, especially on woollens and cottons, than they had agreed to levy in the first instance. Then came the Treaty of 1824, which was negociated by Mr. Canning, who agreed that English goods should be admitted there at a duty of six per cent. where Dutch goods were admitted free, and that where Dutch goods were subjected to a duty, English goods should only have to pay double such duty. The Dutch Government had endeavoured to saddle English goods with a duty of twenty-five per cent. The subject had been a matter of negotiation for the last twelve years, and as yet scarcely a single point had been gained with the Dutch Government. The petitioners trusted that Parliament and the Government would at length compel the Dutch Government to act in accordance not only with the spirit, but the letter of the treaty of 1824.

Mr. *Barlow Hoy* said, that the petitioners appeared to assume that the King of Holland was bound by all treaties into which he had entered as King of the Netherlands. Now, he apprehended that was a position that might be questioned.

Viscount *Palmerston* apprehended that there could be no question at all about the matter, and that the King of Holland was as much bound by such treaties as if there had been no revolution in Belgium at all. He would detain the House for only a few minutes on this subject. It was true that for a great number of years the Dutch Government had violated the treaty to which his hon. Friend had adverted. The matter had been for a long while the subject of negotiation. The Dutch Government at last admitted that their former regulations were incompatible with their engagements under the treaty of 1824, and they had altered them, but not as yet, as he (Lord Palmerston) would contend, in such a manner as to render them conformable to the letter of that treaty. He had no doubt that, upon further representation being made to it, the Dutch Government would see the propriety of rendering the regulations respecting the importation of British goods into Java conformable to the letter of that treaty, and no efforts should be wanting on the part of His Majesty's Government to bring about that end.

Petition laid on the Table.

BUSINESS OF THE HOUSE.] Lord *John Russell* said, he would now make the motion of which he had already given notice, that Orders of the Day have precedence of motions from the 1st of July next. It had been usual, of late years, to make such a motion at an advanced period of the Session, and it was obviously of great advantage to send up to the House of Lords the Bills which were to be pressed through at as early a period as possible, in the month of July. Undoubtedly, should they be delayed till the month of August, there would then be good grounds for the other House to postpone the consideration of them to another Session. As there was an anxiety on the part of hon. Members that the Bills now before the House should be forwarded without delay, it was his intention, after this motion was carried, to propose that the third reading of the Registration of Births and of Marriages Bills should take place to-morrow, and have precedence of all other motions.

Mr. *Robinson* said, he would not oppose so desirable a step on the part of the Government with a view to getting through the business of the Session; at the same time he thought it rather hard upon those hon. Members whose motions stood upon the notice book, and many of which had been postponed till the present late period with the expectation of bringing them on.

Mr. *Hume* thought it extremely desirable that they should endeavour to get through the public business. He had already presented a petition from Upper Canada, and he had given notice of a motion as soon as the papers were on the Table; with the exception of that urgent question, he pledged himself that he would not interfere with the Orders of the Day.

Sir *George Sinclair* observed, that the motion of the noble Lord opened an extensive field for argument, and might give rise to an adjourned debate of at least two nights, as it was in the power of any or every Member to select as many of the notices as he thought proper, and urge the importance of each as a ground for resisting the noble Lord's proposition. He (Sir G. Sinclair) was one of the noble Lord's earliest victims, as he had a notice on the books for the 5th of July, with respect to the College of Maynooth. He was, however, quite satisfied with the noble Lord's arrangement, as far as he was personally concerned, for he had previously determined, at the suggestion of some respected Irish friends to postpone, until next Session, a formal motion on that subject, and then to move for a Select Committee to inquire into the system of instruction pursued at that establishment, an inquiry which it would be impossible to enter upon with advantage before the prorogation. It would also be perfectly competent for himself, as well as for any other Member, to state on the Irish miscellaneous estimates the grounds on which a grant for such a purpose as that to which Maynooth is devoted appeared to be altogether inexpedient.

The Motion carried; and it was resolved that, from and after July 1st, Orders of the Day have precedence of notice of motions on Tuesdays and Thursdays.

REGISTRATION OF VOTERS.] On the motion of Lord John Russell, the House went into Committee on the Registration of Voters Bill.

Sir *James Graham* adverted to the clause which he had brought forward on a former evening as declaratory of the meaning and intention of the 25th Clause of the Reform Act. His noble Friend had stated on a former evening that he would consult with the Attorney-General as to whether such a Clause were necessary to give effect to the original design and intention of the Reform Act; he wished to know whether the noble Lord would now support the clause?

The *Attorney-General* said, that he had considered the clause to which his noble Friend had drawn his attention, and it was extremely difficult to say what construction should be put upon it. It was a question upon which the Revising Barristers had differed, and it was one upon which much might be said on both sides. He was not prepared to say what was the intention of the framers of the Reform Act, as he was not then a member of the Government. The interpretation of the Clause must be considered a *questio vexata*.

Sir *James Graham* said, he should then press the declaratory clause of which he had given notice, as he considered it consistent with the spirit of the Reform Bill, and calculated to prevent the increase of mushroom votes. The hon. Baronet moved a clause to the effect that no lease or assignment of a term of sixty years or twenty years respectively, or any unexpired portion of such terms which confer a right of voting for a city or borough, shall confer a right of voting for the county in which such city or borough is situated.

Mr. *Warburton* was inclined not simply to negative the proposition of the right hon. Baronet, but to extend the right of voting as at present possessed by leaseholders, if such a matter could be introduced into the Bill before the House. He contended, however, that in a Bill of this kind no clause of such a description could be introduced. The clause of the hon. Baronet, he had heard, would in one county disfranchise 1,000 electors, and anxious as he was to see the present Bill pass, if the right hon. Baronet's clause were to be carried, he would rather see the Bill thrown out altogether.

The Committee divided on the question that the clause be inserted. Ayes 100; Noes 133:—Majority 33.

On that part of the Bill which vests the appointment of the Revising Barristers in the Crown,

Sir *Robert Peel* said, that on the bringing up of the Report he should call the attention of the House to the clause which gave the appointment of the Revising Barristers to the Crown. He felt a very strong objection to enactments which delegated a power of legislation to persons out of that House. With regard to the appointment of those gentlemen, he would infinitely prefer that the selection should vest in the Lord Chancellor, and not in the Home Secretary, because he entertained a conviction that, were such the case, the appointment would be freer from political bias, and consequently a smaller extent of political effect would arise at elections.

Sir *James Graham* thought, that the proposition of the hon. Member (Mr. Warburton) would lead to very unnecessary extravagance. He thought that, instead of creating a new court of appeal to revise the decisions of revising barristers, they might be referred to the Court of Review in Bankruptcy, and thus a saving of 5,000*l.* a-year be effected. The Court of Review had at present nothing to do, and with the additional business which they would get as a court of appeal they would still be but partially occupied. He would move a clause to that effect on the third reading of the Bill.

Mr. *Warburton* did not consider his plan justly liable to the charge of extravagance. As far as his own opinion went, it was decidedly in favour of having but one judge to sit on appeals, but let that one be fully competent to perform the duties that would be imposed on him.

Sir *Robert Peel* said, that at present they had three Judges in the Court of Review, who were but very partially occupied, and they were about to create three more, who would have but very little more to do; he really did not think that such a multiplication of judicial authority was necessary.

The *Attorney-General* admitted, that at present the Court of Review was very imperfectly occupied, but he hoped that before long, by the alterations that were intended to be made in the law of debtor and creditor, the Court would be fully and usefully occupied. With respect to the proposition of having but one Judge sitting in the Appeals, he must say, that in the Courts of Common Law the determination of one single Judge was not treated with very much respect; if, however, the majority of the Committee were in favour of having but one Judge, whatever his own opinion might be, he would offer no opposition to the proposition.

The clause was agreed to, as were the other clauses and the schedules.

The House resumed, the Bill to be reported.

COMMUTATION OF TITHES (ENGLAND) BILL.] On the order of the day for the third reading of the Commutation of Tithes England Bill, having been read,

Lord *John Russell* said, that in moving that the Bill be read a third time, he should state to the House that he meant to propose the introduction of the clauses which he had referred to on a former occasion. One of them was on the subject of coppice wood, the value of which he proposed to estimate according to the average value of the years 1834, 1835, and 1836. This was in conformity with the suggestion of the right hon. Baronet, the Member for Tamworth. The other clause gave a power to the occupier of the land to deduct the amount of rent-charge he should have paid, from the owner of the land. Having explained the nature of the clauses, the noble Lord concluded by moving the third reading of the Bill.

Sir *Robert Peel* was anxious to say a few words on the general question as to whether this Bill should be read a third time or not. In the anterior part of the Session he had introduced a Bill, the provisions of which were identical with the Bill he had introduced last year, when he had the honour of being a Minister of the Crown. The object of that Bill was to facilitate the voluntary commutation of tithes. He stated that the principle of a compulsory commutation might be made the subject of a future Bill, when the experience of voluntary commutation would have suggested the most equitable principles on which compulsory commutation might be applied. He still preferred the Bill he had himself introduced, to the Bill of the noble Lord. He felt great difficulty in determining without the experience of voluntary commutation, and without the advantage of minute local inquiry—he felt great difficulty in determining the principle upon which compulsory commutation should be forced upon the country, consistent with justice, and to the satisfaction of all parties. The question, however, which he had to ask himself was, whether, now that there was a prospect of their coming to an arrangement on this great and complicated question, he would incur the responsibility of attempting to defeat this Bill? The Bill proceeded upon the principles of his (Sir R. Peel's) Bill, as far as voluntary commutation was concerned. It proposed to effect it for a limited period, through the intervention of Commissioners. His own Bill proposed that two of these Commissioners should be appointed by the Crown, and the other by the highest representative of the interests of the Church, the Archbishop of Canterbury, and on this point the noble Lord had adopted his suggestion. This Bill gave till October, 1837, for the purpose of voluntary commutation. This Bill, did away with *75l.* and *65l.* as a *maximum* and a *minimum*, and proposed instead the amount of tithe taken in kind for the seven years preceding 1835, and that the sum paid should rule the future payments. That arrangement was still open to this objection—that where there had been great forbearance on the part of the tithe-owner, he would permanently suffer, and where there had been greater rigour, and extreme rights had been exacted, there he would gain, and the permanent rent-charge would be governed on that principle. There was to be sure, a power of relaxation to the amount of twenty per cent., and to that extent the parties would have an opportunity of mitigating the severity of the Bill. He found that the Bill had arrived at this stage without any division being taken against it. He hoped, sitting there in an assembly of landlords, that he need not conceal that his object was to protect the interests of the Church. He considered the Church the weaker party; he considered that the great majority of the House were interested in this question, and therefore he felt specially bound to take care that the interests of the Church were attended to. He did not find that there was on the part of the Church any decided objection to the principles of this Bill. None of those hon. Gentlemen who more particularly watched over the interests of the Church materially dissented from the principles of the Bill. Amongst the tithe-owners and the tithe-payers, there was an impression and he believed a similar impression prevailed amongst the public generally, that this question should be settled on a satisfactory principle. There was a general concurrence of all parties in the House in favour of the settlement of this question, and it appeared that they were now approaching to an agreement on amicable principles. Under these circumstances, considering the little difference there was between this Bill and his, the question for him to consider was, whether he should press upon the House the adoption of his measure, to which he doubted that the assent of the House would be given, or whether he should give up his opposition to this Bill. He thought he was consulting the interests of the Church in acceding to the third reading of this Bill, as it appeared to him to be the general wish of the House to come to a settlement on this long-agitated question, and he felt that the longer they suffered this agitation to continue, the longer interval of time that was suffered to elapse before it was settled, the greater would be the difficulties of the ultimate settlement, and it might not be so perfectly settled to the advantage of the Church. Retaining, therefore, his preference for his own measure, thinking that a voluntary commutation would suggest the means of a more just application of the compulsory principle—still, not finding on the part of those more immediately interested any very strong expression of dissent, he was unwilling to interrupt the progress of the House towards the present experiment.

Mr. *Hume* was also very anxious to see a settlement of this question. The right hon. Baronet was perfectly right in stating, that if a settlement of this question were not come to now, and if agitation were allowed to continue, the Church would be the sufferer. He did not rise to oppose the third reading of the Bill, but he must say, that if the two clauses proposed by the noble Lord were allowed to be inserted, the agitation would only begin. He entreated the noble Lord to reconsider this question with respect to market-gardeners and hop-grounds. If such lands were brought in under the special exceptions, the Bill would meet with general approbation, and would put an end to agitation. After the Bill had been read a third time, he should feel it his duty to take the sense of the House against the 37th and 38th Clauses, in the hope that extraordinary tithes levied on all species of property would be provided for under the 35th Clause.

Mr. *Warburton* had, too, like the right hon. Member for Tamworth, a plan of his own, but he would not bring it forward for discussion, as he feared it would not lead at present to any practical result. He did not despair, however, and at no distant time, to see tithes totally abolished, the Church provided for out of the Consolidated Fund, and the Corn Laws abolished. This was the only way in which the question could be finally and satisfactorily adjusted.

Sir *Robert Inglis* said, that, notwithstanding the resistance to tithes in Ireland, their payment was now enforced by the power of the law, and he should be sorry to think that law would not have the same power in England. He objected to the basis of the commutation, as not being a fair one. In a recent period, as contrasted with the present, the produce of the land was as four to seven. If tithe, then, was, as he firmly believed it to be, the first lien on the land, why should the owner of such property be so unfairly dealt with? If a proposition like the present had been made formerly, in what condition would the Church be now? There was a case in point, which would serve to illustrate his argument. There was a parish which paid *5l.* 10*s.* for its tithes, by agreement, in 1707. It was afterwards raised to *24l.*, and, by a subsequent agreement, to 120*l.* This might be a particular case. He did not know whether it might be paralleled, but if there were many cases even approaching to it, they were such as should be provided against. There should be a progressive prosperity in Church property as well as in every other, or else in the course of two generations the relative positions of the clergy of the Church and the other classes of the community would be exceedingly different from what it was at present. He would not, however, object to the third reading of the Bill, as any further opposition that he should offer would be only a waste of the time of the House.

Mr. *Benett* said, that he had been strongly in favour of the present Bill, and should have continued so but for the clauses which had been lately introduced, to which he could not consent, because he considered that by them a vicious principle would be embodied in the Bill, the tendency of which would be to perpetuate tithes for ever. He contended that the clauses were defective, inasmuch as it would be difficult to decide what was garden and what agricultural produce. There were other defects which he might also notice, but, at the same time, he was bound to say that he approved of the compulsory part of the Bill. He thought it very creditable on the part of the Church that no petitions from that quarter had been presented against the measure, and before he sat down, he could not but express a hope that some alterations would be made in the 36th and 37th Clauses of the Bill, so as to render them less obscure, and more in conformity with the principle upon which it was founded.

Mr. *Parrott* owned, that he also had entertained objections to the Bill when it was first introduced, but they had all vanished during its progress through the House. The Bill was as fair to all parties as it could be made.

Lord *Ebrington* congratulated both his noble Friend and the House generally on the prospect of bringing this most important question to a final and satisfactory conclusion. He considered that the Bill now under discussion was calculated to effect more real benefit than any other measure upon the subject of Tithe Commutation which had been introduced for years; and as regarded the Church, he must say, that its warmest friends had good cause to congratulate themselves, not only on the passing of the Bill, but on the calm and tranquil manner in which the discussions upon it had taken place. The agricultural interest would also have cause of congratulation in the final adjustment of the question, and he considered that the Government by whom it was introduced were entitled to the thanks of the country.

Mr. *H. Curteis* thought, that the Bill ought to be thankfully received by those parts of the country where low tithes existed; but sure he was, that as regarded the landowners of his part of the country it would not be received as a boon at all, because it went to fix a portion of the tithe unjustly as regarded the owners of the soil. At the same time he thought the Government deserved the thanks of the country for bringing the measure to this point. He could not, however, allow this Bill to go up to the other House, without saying that he felt very doubtful as a landlord at that moment, whether he should rejoice or regret if the measure was lost. As regarded the present, he would rather have it lost; but looking to the future, and to the interests of those who would hereafter stand in the situation he occupied, he thought it might be better to take the Bill as it stood, rather than refuse it. He did not wish the measure to go up to the other House, without stating his opinion as to whether it was a boon to the landowners or not.

Mr. *Baines* considered, that if any body of men were indebted to his Majesty's Ministers for having brought forward the present measure more than any other, it was the clergy of the Established Church. He called upon hon. Members to show him any measure that had passed in any age which had conferred so great a benefit on the clergy. When tithes were taken in kind by the clergy, they were looked upon as the fleecers, rather than as the protectors of their flocks. It had been said, and it was cited as a friendly feeling on the part of the clergy towards the present measure, that the clergy had not come forward and petitioned against the measure. All he could say on that subject was, that he was sure that it would be received as a boon by the Church. Neither had the Dissenters petitioned against it; and when the discussion of their claims came on, he was satisfied the clergy would manifest similar feelings to those which had been displayed by the Dissenters in reference to this subject.

Captain *Pechell* was glad that the Bill had been brought to its present stage, as he had no doubt of its effecting a great deal of good. He hoped, however, that the tithe on fish would be reconsidered, and that Government would send a Commission into Norfolk and Cornwall to institute an inquiry with regard to the state of the fisheries in those places.

Lord *John Russell* agreed with the gallant Officer, that the tithe on fish ought to be made the subject of further inquiry. He fully concurred in what had fallen from several hon. Members in the course of the discussion, that, whether the present Bill affected the interests of the clergy or the landholders, there was no question whatever but that it was one of a most important description. Such was the opinion of his Majesty's Government when the measure was first introduced, and he could not agree with the right hon. Baronet (Sir R. Peel) that the compulsory part of the Bill ought to have been omitted. On the contrary, his own opinion was, that a Bill on this subject ought to be compulsory, and that its utility would chiefly depend upon its being so. He was happy to find that so much unanimity prevailed with regard to the measure, a result which was the more gratifying, when he reflected that so many hon. Members were intimately connected with the Tithe Question, and entertained, of course, different views with regard to it. He had, however, anticipated such a result when he introduced the Bill, and he rejoiced to find, that his expectation had not been disappointed. The measure had been discussed throughout with a spirit of fairness and moderation which was equally creditable to Members on both sides of the House, and party and political feelings seemed to have been wholly set aside in considering the measure. By that wise and temperate course, his Majesty's Government had been enabled to bring the Bill to its present stage, and he could not let the present opportunity pass without congratulating the House on the satisfactory result of the measure. He considered that the Bill afforded a fair foundation for an honest and equitable adjustment of the Tithe Question on the principle of commutation, and he fully agreed with those hon. Members who had borne testimony to the manner in which this Bill had been viewed by the clergy, and he must say, from his own experience, that the clergy of this country had in most instances in which the question of Tithes had been raised, evinced the greatest moderation and forbearance. They had not interposed any objections to the present measure, and he would say, that had the clergy required for themselves what the hon. Member for the University of Oxford appeared disposed to insist upon for them, his Majesty's Government would, no doubt, have felt it extremely difficult to have brought the present measure to a satisfactory settlement. The Dissenters had also acted with great and praiseworthy forbearance as regarded the measure, which he was quite sure would ultimately tend to the benefit both of the landed interest and the clergy.

Bill read a third time.

Lord J. Russell brought up some clauses, which were agreed to.

Lord J. Russell brought up a clause, which related to the mode of distraining on the rent-charge for the recovery of rates. Upon this a division took place:—Ayes 107; Noes 39;—Majority for the Clause 68.

List of the AYES.

Adam, Sir C.
Ainsworth, P.
Alston, R.
Baldwin, Dr.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Bennett, J.
Bentinck, Lord G.
Bernal, R.
Bewes, T.
Biddulph, R.
Blamire, W.
Blunt, Sir C.
Brabazon, Sir W.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Burton, H.
Campbell, Sir J.
Cave, R. O.
Cavendish, hon. G. H.
Childers, J. W.
Clayton, Sir W.
Clive, E. B.
Collier, J.
Crawley, S.
Curteis, H. B.
D'Eyncourt, rt. hon. C. T.
Dillwyn, L. W.
Donkin, Sir R.
Duncombe, T.
Elphinstone, H.
Ewart, W.
Fergusson, rt. hon. R. C.
Folkes, Sir W.
Fort, John
Goring, Harry Dent
Grattan, H.
Guest, Josiah John
Gully, John
Hastie, Archibald
Hawkins, John H.
Hector, Cornthw. J.
Hodges, T. L.
Howard, hon. Edward
Howard, Philip Henry
Hume, Joseph
Johnstone, J. J.
Knox, hon. J. J.
Lee, J. L.
Lennard, T. B.
Lister, Ellis C.
Lynch, A. H.
Maher, J.
Marshall, W.
Marsland, H.
Moreton, hon. A. H.
Mosley, Sir O.
Mullins, F. W.
Murray, rt. hon. F. A.
North, F.
O'Connell, D.
O'Connell, M.
Oliphant, L.
O'Loghlin, M.
Parker, J.
Parrott, J.
Pease, J.
Pechell, Captain
Pendarves E. W. W.
Potter, R.
Poyntz, W. S.
Price, Sir R.
Rice, rt. hon. T. S.
Roche, W.
Rolfe, Sir R. M.
Rooper, J. B.
Rundle, J.
Russell, Lord J.
Seale, Col.
Sharpe, Gen.
Smith, B.
Spry, Sir S. T.
Stewart, P. M.
Strickland, Sir G.
Talbot, J. H.
Thomson, rt. hon. C. P.
Thompson, Col.
Thornely, T.
Trelawny, Sir W.
Troubridge, Sir E. T.
Turner, W.
Tynte, J. K.
Villiers, C. P.
Wakley, T.
Walker, C. A.
Warburton, H.
Williams, Wm.
Williams, W. A.
Wilson, H.
Winnington, Sir T.
Wood, C.
Wrightson, W. B.
Wrottesley, Sir J.

TELLERS.

Hay, Sir J. L.
Stanley, E. J.

List of the NOES.

Alsager, Captain
Arbuthnot, hon. H.
Bailey, J.
Bramston, T. W.
Brownrigg, S.
Buller, Sir J. Y.
Calcraft, J. H.
Chichester, A.
Compton. H. C.
Curteis, E. B.
Duncombe, hon. A.
East, J. B.
Forbes, W.
Gordon, hon. W.
Goulburn, rt. hon. H.
Goulburn, Mr. Serg.
Halford, H.
Halse, J.
Hay, Sir J.
Henniker, Lord
Hogg, J. W.
Jackson, Mr. Sergeant
Inglis, Sir R. H.
Irton, S.
Knatchbull, right hon. Sir E.
Law, hon. C. E.
Lawson, A.
Meynell, Capt.
Palmer, G.
Peel, E.
Price, R.
Pringle, A.
Pusey, P.
Rushbrooke, Col.
Scourfield, W. H.
Sheppard, T.
Sibthorpe, Col.
Wynn, rt. hon. C. W.
York, E. T.

TELLERS.

Greene, Mr.
Ross, Mr.

Mr. *Hume* moved that the two Clauses 37 and 38, which had been added to the Bill since it was first printed, being a provision for the charge of hop-grounds and market-gardens, should be rejected. He considered that the retention of these clauses would break into the principle of the Bill, that they would keep the door open to irritation and altercation, whereas the question ought to be settled at once and for ever.

Mr. *Benett* seconded the motion. This provision would place landlords in a worse situation than before. He had expected that the Bill would make a complete commutation of tithes; instead of which, unless those clauses were struck out, it would be a mischievous measure.

Mr. *Hodges* defended the clauses. There were only three modes; one was the abolition of tithe on market-gardens and hop-cultivation; but this would insure the rejection of the Bill in another place: the second was that proposed; and the only other course was the clauses as they stood. There would be no hardship in paying a few shillings per acre on hop-grounds, and as to market-gardens, there could be no difficulty in distinguishing who were market-gardeners.

Mr. *Warburton* said, that there were 50,000 acres used in the cultivation of hops, and that the land employed as market-gardens might be taken at 10,000 acres. By allowing these clauses to remain they would be for the protection of the growers upon those lands, and render the whole of the lands which might be hereafter applied to the cultivation of hops and market produce, liable to tithe, and so fritter away the principle of the Bill. That principle was this, that by taking on himself the payment of a fixed rent-charge, the cultivator might improve his land as he pleased, and do with it what he liked; these clauses went to impose a tax on the application of increased capital and industry to the cultivation of land. It was as absurd to require an increased tithe on land hereafter employed in the cultivation of hops and market-produce, as it would be to require an increased tithe upon all waste and pasture land, which might hereafter be applied to the growing of corn.

Sir *R. Peel* observed, that the hon. Gentleman had himself shown that it was not necessarily as absurd to subject lands hereafter employed in the cultivation of hops and market-produce to an increased tithe, as it would be subject to hops, waste, and arable land which might be hereafter employed in the cultivation of corn, because he had himself stated that hop and garden grounds were of a special nature—there being, indeed, as he had said, only 50,000 acres of the one, and 10,000 acre of the other. He could not, therefore, contend that it was right to assimilate the two cases. It would be manifestly unjust towards that land which was now employed in the cultivation of hops and market-produce, and which consequently would pay tithe as such; if they allowed other land to be employed in the same species of cultivation, and get free from tithe, they would be, in fact, offering a positive premium on the application of unfit land to the cultivation of certain articles. He would not deny, that the arrangement proposed by these clauses was likely to occasion some inconvenience; but still he felt that it was more reconcileable to justice than any other which had been proposed on the opposite side of the House. No difficulty, he apprehended, could arise in regard to hop-grounds; nothing could be easier than to determine hereafter what was a hop-ground. But he admitted, that there was some difficulty in defining by law what should be hereafter considered as a market-garden. There might be land at the distance of twenty miles from a town, not coming under the designation of a market garden in the conventional interpretation of the term, and being cultivated as a field, but from which the owner might hereafter be enabled, under the system of communication by railroads, to pour into that town a large quantity of market-produce. However, he trusted much to the good sense of the Commissioners, and if difficulties were found to arise which they could not remove, Parliament might interfere hereafter.

Mr. *Lennard* said, there were other cases in which it would be difficult to say whether fields did not come within the description of market-gardens. The clauses broke into the principle of the Bill; they would continue the exactions of tithe-owners, and perpetual disputes.

Sir *Robert Price* supported the amendment. The clauses would introduce an ordinary charge and an extraordinary charge in the same parish on account of a single field considered as garden.

Colonel *Thompson* could not vote for a Bill which, professing for its object the remedying the pressure on agriculture, perpetuated it in the case of hops and market-gardens.

Mr. *Curteis* said, that if these clauses were struck out of the Bill it would oblige many persons to vote against it.

Lord *John Russell* said, that these clauses, which had been complained of as but recently introduced, were not new, and he need only refer to the fact that they were ordered to be printed as far back as the 18th of May, and it was then the 27th of June. Upwards of a month had consequently elapsed since their principle had been divulged. He contended that the clauses in question were framed as much for the benefit of those classes who were subjected to the higher rent-charge, as of those who were liable to the smaller rate of charge. The hon. Member for Bridport had not supported the amendment proposed by the hon. Member for Middlesex, but had come forward with an entirely new proposition. He trusted that the House would not, by rejecting the clauses, place the parties who were more immediately affected by its provisions in a position of such extreme risk as must inevitably be the case were the amendment to be agreed to. He did not see how those persons could be guarded from very considerable loss, unless by the preservation of these clauses, founded as they were upon the principle on which they were avowedly framed.

The House divided on Mr. Hume's motion—Ayes 39; Noes 153;—Majority 114.

List of the NOES.

Adam, Sir C.
Agnew, Sir A.
Alsager, Captain
Alston, R.
Angerstein, J.
Anson, hon. Col.
Astley, Sir J.
Bagshaw, J.
Bailey, J.
Baines, E.
Baring, F. T.
Baring, H. B.
Beckett, rt. hn. Sir J.
Biddulph, R.
Bish, T.
Blamire, W.
Bolling, W.
Bowes, J.
Bramston, T. W.
Brownrigg, S.
Buller, E.
Buller, Sir J. Y.
Burton, H.
Buxton, T. F.
Calcraft, J. H.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Chichester, A.
Childers, J. W.
Clayton, Sir W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Colborne, N. W. R.
Cole, Lord Viscount
Compton H. C.
Cripps, J.
Curteis, H. B.
Curteis, E. B.
Dalmeny, Lord
Dillwyn, L. W.
Donkin, Sir R.
Duffield, T.
Dunlop, J.
East, J. B.
Eaton, R. J.
Egerton, Lord F.
Elwes, J. P.
Etwall, R.
Fazakerley, J. N.
Ferguson, G.
Fergusson right hon.
R. C.
Fitzsimon, N.
Folkes, Sir W.
Forster, C. S.
Gladstone, T.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hon. H.
Goulburn, Mr. Serg.
Graham, rt. hon. Sir J.
Greene, T.
Grey, Sir G.
Grimston, hon. E. H.
Grosvenor, Lord R.
Hale, R. B.
Hamilton, G. A.
Hawkins, J. H.
Hay, Sir J.
Hay, Sir A. L.
Henniker, Lord
Hodges, T. L.
Hogg, J. W.
Howard, P. H.
Hurst, R. H.
Inglis, Sir R. H
Johnstone, J. J. H.
Johnston, A.
Jones, T.
Knatchbull, right hon.
Sir E.
Knox, hon. J. J.
Labouchere, rt. hon. H.
Lambton, H.
Lawson, A.
Lefevre, C. S.
Lefroy, A.
Lemon, Sir C.
Lincoln, Earl of
Longfield, R.
Lowther, hon. Col.
Lushington, C.
Maher, J.
Manners, Lord C. S.
Marshall, Wm.
Moreton, hon. A. H.
Morpeth, Lord Visct.
Morrison, J.
Mosley, Sir O.
Mostyn, hon. E.
Mullins, F. W.
North, F.
Oliphant, L.
O'Loghlin, M.
Palmer, G.
Parker, J.
Peel, rt. hon. Sir R.
Pendarves, W. W.
Pigot, R.
Pinney, W.
Plumptre, J. P.
Ponsonby, hon. W.
Poyntz, W. S.
Price, Sir R.
Price, R.
Pringle, A.
Pusey, P.
Rice, right hon.
Robarts, A. W.
Rolfe, Sir R. M.
Rooper, J. B.
Rushbrooke, Colonel
Russell, Lord J.
Scott, J. W.
Sharpe, General
Shaw, right hon. F.
Sheppard, T.
Sibthorp, Colonel
Smith, R. V.
Smith, B.
Steuart, R
Strickland, Sir G.
Talbot, J. H.
Thompson, right hon.
C. P.
Tooke, W.
Townley, R. G.
Tynte, J. K.
Tyrrell, Sir J. T.
Vesey, hon. T.
Vivian, J. H.
Vivian, J. E.
Wigney, I. N.
Wilbraham, G.
Wilkins, W.
Williams, W. A.
Williamson, Sir H.
Wilson, H.
Winnington, Sir T.
Wood, C.
Wrightson, W. B.
Wynn, right hon. C.
W.
Yorke, E. T.

TELLERS.

Maule, hon. F.
Stanley, E. J.

List of the AYES.

Attwood, T.
Bainbridge, E. T.
Bewes, T.
Blake, M. J.
Blunt, Sir C.
Bowring, Dr.
Bridgeman, H.
Brotherton, J,
Browne, R. D.
Collier, J.
D'Eyncourt, right
hon. C. T.
Duncombe, T.
Elphinstone, H.
Evans, G.
Ewart, W.
Goring, H. D.
Gully, J.
Hawes, B.
Hector, C. J.
Hindley, C.
Kemp, T. R.
Lennard, T. B.
Lister, E. C.
Marsland, T.
Pease, J.
Potter, R.
Rundle, J.
Ruthven, E.
Seale, Colonel
Thompson, Colonel
Thornely, T.
Trelawny, Sir W.
Tulk, C. A.
Wakley, T.
Wallace, R.
Warburton, H.
Wason, R.
Williams, W.
Wrottesley, Sir J.

TELLERS.

Hume, Mr.
Benett, Mr.

Bill passed.

HOUSE OF LORDS,

Tuesday, June 28, 1836.

MINUTES.] Bills. Read a third time:—Entails Relief (Scotland) Bill; Waste Lands (Ireland) Bill.—Read a first time:—Tithes Commutation (England).

Petitions presented. By several NOBLE LORDS, from various Places, against Universities (Scotland) Bill.—By the Earl of BROWNLOW, from Spilsbury, that the House will resist all attempts to interfere with its Rights, Independence, and Privileges—By the Earl of ABERDEEN, from the Marischal College, Aberdeen, against Universities' (Scotland) Bill.

RAILROADS.] The Duke of Richmond laid upon the Table the first Report of the Committee on Railroads. On moving that it be printed,

Earl *Fitzwilliam* was glad to find that this subject had engaged the attention of their Lordships. It had not been his lot to attend their debates during the present Session; but he had not been inattentive to those measures which had come before their Lordships as Railroad Bills, and which, though they were technically private Bills, were still of great public importance. He could not help anticipating, that by means of this great instrument of railroads, the wealth, the enjoyment, and the comforts of England would be increased to an amount which no man living at present could pretend to calculate. But their Lordships must not conceal from themselves that these great national objects would in some cases be arrived at through great individual suffering and injury. He confessed that it appeared to him, that, if he had not taken a wrong view of the objects of those who had originated these measures, Parliament had considered them far too much as insulated measures. In order that the nation might reap the full benefit of the genius, enterprise, and ingenuity of the projectors of these measures, the highest authority of the country should be brought into action, so as to have them all arranged in one continuous and well-connected system. From what he had seen in some instances which had come under his own observation, he was convinced, that though the construction of a Railway in one direction might increase and facilitate the communication between places in that direction, it might obstruct and impede the communication between places in a different direction. For instance, by making communications by Railway from north to south, you might render it difficult to make them from east to west. He could illustrate his meaning by referring to a case within his own knowledge. There was a line of Railroad proposed to be carried through, or rather to come in contact like a tangent, with the town of Sheffield, at a level of not less than seventy feet above the main entrance into that town. The mere effect of constructing a Railway upon a level better suited for a balloon, was to render it impossible to make any other Railway communicate with it. Again, their Lordships would observe, that the same effect would be produced if the Railway were sunk as much below as this was raised above the ordinary level. The Railroads differed from all the ordinary roads of the country, and also from its inland navigation in this respect, that it was impossible to make one Railway communicate with another unless all Railways were made at a proper height. It was exceedingly possible that he took an improper view of what ought to be done on this difficult, but very important, question. Nevertheless, it appeared to him worthy of the interference of the highest authority in the country—whether that interference should come from the Executive Government, or from the two Houses of Parliament, he was not at that moment prepared to say — yet, however much he might admire the genius and enterprise and speculating spirit of the projectors, he was certain that unless they were directed by the supreme authority of the country, and unless care were taken that the speculations of one party should not interfere with and injure the speculations of another party, these projects, instead of being beneficial, would become injurious to the country. There was another reason why he thought that Railroads ought to be all conducted on one system. Their Lordships were aware of the advantage which they, in common with the public had derived from having all the turnpike-trusts in the neighbourhood of the metropolis consolidated into one general trust; indeed, there was not one of their Lordships who travelled down into the country, who did not feel grateful to those who had consolidated those trusts. Now, he begged them to consider what would be the effect of letting all the Railways in England be considered as separate trusts. They would pass five miles along one Railroad, and they would then pass five miles into another, and the result would be, that they would pay twice as many tolls for travelling that distance on two Railroads that they would pay for travelling half the distance upon one. The main point, however, to which he wished to call the attention of their Lordships was the obstacles which would be thrown in the way of future Railroads, in case they were not made upon such a system as would enable one Railroad to dove-tail in with another. He expected that it happened very frequently that their Lordships, from want of sufficient information, sanctioned a Railroad on one line, when, if they had had the benefit of better surveys, that line would not have been adopted. Unfortunately, however, the evil of such a practice did not immediately come to a conclusion. The result of having adopted an inconvenient line would often prevent their Lordships from adopting another line which would be far more convenient. His noble Friend at the head of the Government knew that he had long ago suggested this matter to his consideration. He hoped that he should not be considered as intruding unnecessarily on the attention of the House in calling its attention to a subject on which, if we legislated wisely, we should increase the wealth and prosperity of our posterity much more than the wealth and prosperity of the past and the existing generation had been increased by the system of inland navigation, and on which, if we legislated unwisely, we should not derive the advantages which we ought from this new system.

Lord *Kenyon* would move that the Grand Junction Railway Bill be now read a third time. If that motion were carried, he should move certain clauses, by way of rider.

The Marquess of *Clanricarde* had no objection to make to the motion of the noble Lord who had spoken last. He could not, however, agree entirely either with the noble Lord who had just sat down or with the Report which the noble Duke had just laid on the Table. That Report said, that no Railway should pass through a populous district without precautions being taken against the fire which came out of the chimnies. Now, there was no Railway that did not pass through a populous district. Yet this doctrine was to consider each Railway on its own particular circumstances. It was impossible for their Lordships to establish one uniform system of Railways, and to hold out such a hope was only throwing unfair obstacles in the way of future projects for Railways. He held with the Report of the House of Commons on Railways that they must pay their best attention to each individual Bill, and that they must enact such peculiar clauses as the demands of the locality might require. His noble Friend had said, that if they did not establish an uniform system for Railroads they would, in establishing communications between the north and south, prevent communications between the east and west. Now that could not be the fact. The tunnel, the bridges, the trams, could not interfere and had not in any existing Railroad interfered, with any of the existing modes of public communication. Indeed, it was the duty of all Committees upon Railroads to see that they did not interfere improperly with existing interests. He thought, that in consideration of the immense capital which was ready for investment in schemes of domestic improvement, and which, if not so invested, would go for investment in foreign countries, the public ought to know, before the close of the Session, what their Lordships intended to do on this subject.

The Duke of *Wellington* said, that all he had done was to leave the door open upon this subject. The noble Marquess had adverted to the provisions made in Railway Bills for carrying existing canals and roads across the Railway where the two lines intersect each other. But he begged to observe that he knew large tracts of country through which it was proposed to carry Railways and through which there were few communications, where the formation of communications must be prevented unless Parliament should make some provisions to enable those who projected them to deal with Parliament regarding the making of those communications. He made this remark for the consideration of the noble Marquess, and to point out to him that the case was not quite so clear as he appeared to think.

The Duke of *Richmond* said, that his noble Friend appeared to object to this Report. The Committee was not yet prepared to lay before their Lordships any detailed view of the subject. Perhaps those of their Lordships who were in the habit of attending Railway Committees might be aware of the fact, that several serious accidents by fire had occurred from locomotive engines, although the public were ignorant of it. Cotton goods to the value of 3,000*l.* had been lost near Manchester in consequence of such an accident, and a farm house in the county of Leicester was consumed from the same cause. Such accidents had occurred, and perhaps from negligence, and he was not at all certain that the best plan in the rural districts, would not be to make a law, that whatever damages ensued from that cause should be paid by the Company. This law might apply very well to the country, but in a large city, in London for instance, no Company yet formed could afford to pay for the injury that might be caused. If the Directors of Insurance Companies should find that Railways increased the danger from fire, they would raise the rate of their Insurance, and thus a whole neighbourhood might suffer great hardship. This question had certainly a paramount claim to the consideration of the Committee. He believed, that if the attention of scientific men were turned to the subject, a remedy for these evils, might be discovered, which would obviate the inconveniences likely to arise.

The Marquess of *Clanricarde* observed, that there was scarcely one instance of a Railway passing through a district so populous as to occasion danger of fire. He thought it would not be possible to lay down any general rule that would guard against the anticipated danger in the case of every, Bill.

The Report to be printed.

UNIVERSITIES (SCOTLAND).] Viscount *Melbourne* said, a number of petitions had been presented on the Universities Scotland Bill, and he would therefore propose that the House should resolve itself into a Committee *pro forma* on this Bill, when some alterations might be made in it; and that the Bill should be reprinted, in order to allow time for full consideration. He hoped there would be no objection to this course.

The Earl of *Aberdeen* said, that this measure had created a great sensation in Scotland, not unaccompanied by considerable alarm. From the allegations of the petitions which he had seen, he thought the measure had been much misunderstood, and he believed that the intentions of those who had brought it forward, had not been properly appreciated. He looked on the present Bill as a measure for carrying into effect the recommendations made by the visitors appointed by Royal Commission some years ago, and whose Report had been on their Lordships' Table six years, without any measure having been taken to carry into effect the suggestions contained in it. These visitors were eminently entitled to the confidence of the country; they had been occupied several years in the examination of the University system in Scotland, and they finally made a Report, embracing every subject submitted to their inquiries. As he had been a member of that Commission, and concurred generally in the Report, he felt it impossible for him, in consistency and honour, to object to a Bill which professed to carry into execution the very measures he had himself recommended. The petitions complained that the Boards to be constituted by this Bill, for carrying into effect the suggestions of the Commission, were, in fact, to be the governing heads of the Universities; and they objected, very naturally, to those institutions being placed under the control of persons whom they conceived to be armed with arbitrary and despotic power. This was entirely a mistake. The Universities were to be placed under the superintendence of a University Court, framed in conformity with the suggestions of the Commission appointed by his Majesty. He had taken the liberty, on a former occasion, of suggesting to the noble Viscount the great importance of appointing such persons as Royal visitors, who should possess and deserve the confidence of the Crown. The apprehensions entertained on this head were so universal, that the petitioners seemed to expect that the Universities would be placed under the control of persons who might be Dissenters, men of any religion or no religion, or animated with the most hostile spirit towards these institutions. He did not consider it as any great stretch of candour on his part to say, that he believed those apprehensions to be unfounded. He did not mean to defend noble Lords opposite, or to express unlimited confidence in them, but he thought it impossible that they could entertain the deliberate intention of poisoning the fountains of knowledge by any such proceeding. From the declarations of the noble Viscount, he could not entertain any doubt that it was his intention that those appointments should be of such a character as was essential to their giving satisfaction. But he must say, that unreasonable and unfounded as he thought those apprehensions, he could not, with truth, declare that they were very unnatural. When the people of Scotland recollected the manner in which the Established Church Commission, issued last year, was composed, and that the noble Viscount had thought it necessary, that not only the Dissenters, but those who were opposed to the very existence of an Establishment, should be represented in it—he could not regard those apprehensions as entirely without cause; and if the noble Viscount thought that he would redeem his pledge, by appointing men to the Commission who were unfriendly to Universities, and hostile to endowments for the purposes of education, he could not admit that the noble Viscount was justified in that opinion. He thought that the practical working of the proposed measure would depend mainly on the constitution of the University Court and he could not too deeply impress this on the noble Viscount. He would only now generally describe the amendments he intended to produce in the Bill and which appeared to him, calculated to improve the Bill, and tranquillize many existing apprehensions. The first and most important amendment was rendered necessary by the entire silence of the Bill on the subject, and the general fears entertained for the security of the connexion between the Universities and Church. He proposed to introduce a clause to this effect :—" Provided that nothing in this Act shall be held to alter or affect the rights, privileges, control or superintendence at present exercised or which may lawfully be claimed to be exercised, by the Church of Scotland, the General Assembly, Synods, or Presbyteries of the Church, over any of the Universities and Colleges of Scotland." He should certainly be the last man in the House to agree to this or any other Bill which could have the effect of severing the connexion, or weakening in any way the control and influence which the Church at present possessed over the education of the country. The next amendment would be to prevent the Boards of Visitors proposed to be constituted from interfering with the details of University discipline, and to confine their functions to the distribution and management of the property and funds of the University, having regard always to the charters and foundations under which the Universities acquired and held that property. The next amendment would be to limit the right of appeal to this Court conferred by the Bill to sentences of expulsion, dismission, or suspension, in the curriculum of study pursued. By another amendment he would propose to limit the duration of the Commission of Visitation to three years, instead of five; for he could not conceive that more time could be required to accomplish all the objects of the Bill, and carry into effect the suggestions contained in the Commissioners' Report. He considered that the preamble of the Bill clearly pointed out the duties of this Board. It stated, "Whereas it is expedient that the alterations and improvements proposed in the Report, applicable to the said Universities, should be gradually carried into effect, with such modifications as may seem expedient to the visitors to be appointed for these purposes." The foundation of their proceedings should be the Report of the Commission to which he had alluded, and among the Members of which were ministers of the Church of Scotland, fully competent to give advice on the practical details of education. These were the chief amendments he thought it necessary to introduce; but he should be happy to support others, if any should be made calculated to render the Bill wholly unexceptionable. There were one or two points on which, though they had been much discussed, he would refrain from giving a decided opinion; but he must advert to that portion of the Bill which deprived the professors in some Universities of the right they possessed at present of electing to vacancies in professorships as they occurred. He believed he was not in error when he said, that this was the only provision of the Bill which rendered an Act of Parliament necessary, as the prerogative of the Crown was sufficient to carry into effect all the recommendations of the Commission with this single exception. This was a subject on which there was great difference of opinion, and he did not mean now to give any decided judgment as to whether the appointment to professorships should continue with those who now held the right, or be vested in the Crown; but it was a point well worthy of consideration. This was perhaps the only point on which the Commissioners did not specifically report their opinion, and therefore, instead of finally deciding on the abolition of the present system of patronage, he should propose that the Board of visitors should be required to make a special report on this subject, and on the practices prevailing with regard to it in each University. Whether the present custom were right or wrong, it was one deserving of the most serious inquiry. It had been suggested, that instead of the four Boards proposed by the Bill, there should be one Central Board of Visitation similar to the Commission issued by his right hon. Friend (Sir R. Peel) when Secretary of State for the Home Department. He was however, inclined to think that the separate Boards, as proposed in the Bill, would be more convenient; though, if a central Board would give more satisfaction to persons interested, he did not see why it should not be adopted. The great sensation and even disapprobation excited in all quarters by the very attempt to reform the Scotch Universities was such, that he had pleasure in stating that he had that day received a letter from a noble Lord whose absence from that House all must lament, particularly when matters connected with Scotland were under discussion, and one equally distinguished for the soundness of his judgment and the moderation of his opinions (Lord Melville, we believed), expressing his general approval of the measure. He thought it right to state this, as the noble Lord was as little disposed to put confidence in noble Lords opposite as himself. In conclusion, the noble Earl said, he should have no objection to have the Bill reported *pro forma,* in order to its being recommitted.

Viscount *Melbourne* said, that however well founded the noble Earl might think the apprehensions entertained by the people of Scotland regarding the constitution of the Boards of Visitation, he must beg leave to remark that he could not admit the justice of the observations which he had made on the Commission appointed, in the last session of Parliament, to enquire into the state of the Church of Scotland. He thought that the clamour and invective in which many eminent members of that Church considered it decent to indulge against that Commission had been sufficiently answered by the manner in which it had discharged its duties. He must declare, that in his opinion any report they might make, any advice they might give, and any recommendations in which they might agree, would be infinitely more likely to be satisfactory to the people of Scotland and to the country, and infinitely more likely to be effectual with Parliament, than those of any Commission appointed in the exclusive manner which the noble Earl would have wished to see adopted. With respect to the authority proposed to be given to the Ministers by this Bill, he could only say that he felt no eagerness to obtain it. It was not more the measure of His Majesty's Government than of noble Lords opposite; it was founded on the Report of their Commission, and Ministers had been repeatedly taunted by them for not having brought in a Bill to carry into effect the suggestions of the Commission. If they were so likely to abuse the power conferred on them, they had at least shown no disposition to grasp at it. He would at once declare, that it was his intention to choose such men only to discharge the duty of visitors, as would be best fitted from character and authority to carry into effect the recommendations of the Commissioners. But, although it was his intention to exercise that power duly and rightly, he could not undertake to exercise it satisfactorily, because he knew too well the bitter animosities of politics, the bitter differences of religion, the illiberal feelings towards one another, the hatred and ill-opinion of every body opposed to them, that prevailed unfortunately at the present day in every part of his Majesty's dominions, and not in the least degree in that part of the country to which this measure related, to anticipate any such result.

The Bishop of *Exeter* conceiving the Universities of Scotland to be an integral part of the Church of that country [*No, no*"], or at least to be distinctly under its discipline and control, he thought them placed in a situation which gave the Church a strong interest in their right constitution, and a right to be consulted in any organic reforms which it might be proposed to make in them. They were told that an universal and very strong excitement prevailed on this subject throughout Scotland, and he must say, that he thought those who had petitioned against it had great reason to complain of the manner in which the Bill was introduced. He sincerely believed that those who brought it in had no intention of taking an unfair advantage; but from the very peculiar time at which it was introduced, he would put it to their Lordships, if the best course would not be to refuse to go at present into Committee at all? The Bill had been first heard of in the other House, where a learned Lord had, at the commencement of March, given notice of his intention to introduce a measure similar to that now before them. The learned Lord had sent a copy of the Bill he intended to introduce to each of the Universities, and from all he received strong remonstrances against it, in consequence of which the Bill was withdrawn, and abandoned for the present session at least. It happened, as he understood, that during the month of April and part of May the election of members to the General Assembly of the Church took place; the Assembly itself met on the 20th of May, and sat, he believed, till the 30th when the commission of the Assembly took its place, a body which sat, he was informed, to complete the business that might have been left unfinished during the limited period to which the sittings of the Assembly were confined. The Commission continued till the 3d of June, and during that time the Bill attracted not the least attention. Had it been known that it was intended to renew it, it would have agitated the country from one end to the other, disturbed the tranquillity of the Assembly, and occupied, most undoubtedly, no small share in its deliberations. Now what was the subsequent history of the Bill? Most unfortunately, it happened that the very day on which the Bill was introduced, was the first on which news could be received from Scotland of the conclusion of the sittings of the Commission. Their Lordships, therefore, would not be surprised that a measure supposed to be buried in one House, but which had undergone this extraordinary resurrection in another, had excited so much alarm. He would ask the noble Viscount, if any practical inconvenience would ensue from allowing this measure to stand over till another Session? They were fast approaching the termination of the present, and it was impossible to suppose they could deal with the subject in a manner likely to be satisfactory to the feelings of the people of Scotland, in less than many weeks. Would their Lordships gravely propose to go into this measure, to examine all its details, and consider the arguments advanced in favour of it and against it, in the midst of all the enormous mass of other most portentous business now pressing on them? He really thought that nothing but absolute necessity should induce them to entertain this measure at the present period. He could not understand, since there was no imperative necessity for the measure, why it should be pressed forward against the feelings of the people of Scotland. And he begged to conclude by moving, that the Bill be committed that day six months.

The Earl of *Haddington* said, that the Church, the Universities, and the people of Scotland were much indebted to the right rev. Prelate, for the interest he had taken in this Bill. He was sure that the right rev. Prelate had not made his observations, or the motion with which he had concluded, with any view whatever to the prevention of any salutary measure being passed, either in this or any future Session of Parliament, in reference to national education in Scotland. He had heard, with great satisfaction, the noble Viscount state, that it was not his wish or intention to proceed with any undue haste with this Bill. He was, however, himself the more anxious for delay, because he was convinced that the more the matter was examined into, the more it would be found susceptible of such amendments as would finally allay that panic which now existed in Scotland upon this subject. He felt assured that by delay the present excitement would die away, and nothing would remain, except that feeling of distrust as to the composition of the Commission to be appointed by the Crown. That feeling of distrust never would be allayed, until the names of the Commissioners appeared before the House and the public. Whenever the Commission did appear, he hoped that the names of the Commissioners would satisfy the public mind. He felt assured that the noble Viscount would make the appointments with perfect fairness and impartiality. He was also satisfied that the learned Lord Advocate, who had the management of this Bill in the other House of Parliament, had no intention to do anything that could tend to injure the just influence and authority of the Church of Scotland over the national education in that country. It was, nevertheless, quite obvious, that if a Board of Commissioners should be created by Parliament, to supersede the authority of the professors in the Universities over that national education, it would occasion an interference with the present course of study established in Scotland, of which the Church of Scotland would have good reason to complain; and he never would consent to anything that could by possibility impair the just influence of the national Church of Scotland over her national Universities. With respect to the motion of the right rev. Prelate, his objection to it was, that it would stop the Bill at a stage when it might receive many improvements. He would therefore suggest to the right rev. Prelate, the propriety of withdrawing his motion, in order that the Bill might go into committee, and be made as complete as possible. His noble Friend had adverted to that power given by the Bill, which he said was the only one which required an Act of Parliament to create, namely, the power that deprived the professors of the patronage which belonged to them. But the Bill did not purport to take from the professors that patronage, it only provided for the gradual abolition of it. He owned that he did not think it a good thing that the instructors of youth should possess such patronage. But the Scotch Universities were established on royal foundation, and were endowed with royal patronage, and he thought it very questionable, whether, under those circumstances, that patronage ought to be taken from them. As at present advised, when the Bill came into Committee, he was much disposed to think he should propose to strike out the clauses relating to this part of the subject. The noble Viscount had said, that he did not seek for this Bill—that it was not his Bill, but the Bill of the Commissioners: that it was not introduced by the present Government. Now he (Lord Haddington) begged leave to say, that "the Government never dies." It was the duty of the Secretary of State for the time being, to take up the recommendation, let the administration be whatever it might, of a Commission which had been appointed under the authority of the King. It therefore was the duty of the noble Viscount to bring forward this measure. The noble Earl concluded by expressing a hope that the Bill would be allowed to go on, and that a day might be fixed for its final discussion, subsequent to the day on which the Commission of the General Assembly should meet, which would be in the month of August.

The Bishop of *Exeter*, for the reasons stated by the noble Earl, begged leave to withdraw his amendment.

The Duke of *Wellington* wished to remind the noble Viscount that many of the persons who had petitioned their Lordships upon this subject, were desirous of being heard by counsel against its provisions.

Viscount *Melbourne* was understood to say, that the usual time for hearing counsel was before the second reading, but it was competent for their Lordships to hear counsel at any time. With respect to the time of bringing forward the Bill, he begged to say, that the delay had been solely occasioned by his illness, which prevented him from bringing it forward.

The Marquess of *Bute* objected to that part of the Bill which went to deprive the professors of their patronage. He must also say, that he preferred one Board of Control to the four Boards recommended by the Bill.

The Marquess of *Breadalbane* assured the right rev. Prelate, that he mistook greatly the feelings of the people of Scotland, if he supposed that they did not wish that every abuse existing in the Universities of Scotland should be uprooted; and that the discipline of those fountains and sources of knowledge should be consistent with the state and circumstances of the age in which they lived.

The Bishop of *Exeter* assured the noble Marquess that he had not stated anything of the sort. On the contrary, he was fully convinced that not only the people but the Universities of Scotland were anxious that all abuses in those establishments should be removed.

The Duke of *Buccleuch* did not understand the right reverend Prelate to have assumed that the feelings of the people of Scotland or of the Universities were against the removal of abuses; but that they were afraid that, in attempting to correct those abuses, many provisions might creep into the Bill, which might be prejudicial to the Universities. He had considerable apprehensions himself as to the effect which the Bill would have in that respect; at the same time, he was perfectly willing that the Bill should go into Committee, *pro forma*, in order that the amendments to be proposed by his noble Friend might be printed; and if the Bill should not, on the third reading, meet with the approbation of their Lordships or the country, it would then be time enough to move that the Bill should be no further proceeded with. This was not a question of politics nor of party. The only question before them was, how they could most effectually remedy the inconveniences which existed in those Universities, and remove those abuses which might impair their efficiency.

Amendment withdrawn, and the Bill went through the Committee, *pro forma*.

DISCIPLINE OF THE CHURCH.] The *Lord Chancellor* said, that in moving the second reading of the Church Discipline Bill, although it was a measure of great importance, yet he did not think it necessary to occupy much of their Lordships' time. It was impossible to address himself to an inquiry as to what had been the law on this subject, without being struck with the very exemplary conduct of the great proportion of that distinguished body which constituted the Clergy of the Church of England. When their Lordships reflected on the great inadequacy of the means of exercising discipline over that large body of men, they could not but feel how very few were the instances in which that defect of the law had become apparent, Undoubtedly there might be some instances in which parties had escaped punishment for offences in consequence of that defect of the law. Still, if their Lordships were to investigate the subject, he believed that very few instances would be found in which it had become necessary to apply the law for the punishment of offences among that body. But in proportion as that body were exemplary, they were themselves entitled to have the law brought into that state which would secure them from having among them any individual who should require punishment. It was no less due to them than to the country at large, that the law should be made effective for this purpose. For many years the only mode which had existed for enforcing discipline among the clergy, had been by the very feeble, expensive, and unsatisfactory proceedings in the Ecclesiastical Courts. That circumstance alone made it expedient to adopt some alteration in the law; but this had become still more necessary, inasmuch as their Lordships had read, a second time, a Bill for the purpose of consolidating the Ecclesiastical Courts, and for taking away from the Diocesan Courts that jurisdiction which they had hitherto possessed, for enforcing Church discipline. The question, then, was, what tribunal should have jurisdiction by which discipline might be effectually enforced against individual members of the Church? There were two ways in which that object might be attained. They might vest it altogether in the hands of the Bishop, and in former times that authority was exercised by him; or they might establish another tribunal which should give the parties accused that security which was possessed by other members of the State, of being tried by those who were their equals in rank and profession, and who were, therefore, interested in the due administration of justice towards the accused. He was satisfied that their Lordships would feel, and he hoped that the right rev. Bench would also feel, that it was not expedient to repose the power altogether in the hands of the Bishops; because, however well it might be exercised, it was not congenial with the other establishments of the country to vest such power and influence in the hands of an individual. For these reasons it had been considered that the most effectual way to enforce the due discipline of the Church, and at the same time to secure the accused against any improper judgment being pronounced against him, would be to appoint, under the superintendence of the Bishop, a tribunal, consisting of a certain number of their own body—namely, nine clergymen, and providing that no sentence should be passed, unless with the concurrence of six out of the nine. He thought this would be an effectual tribunal for the redressing of offences, and one also to which the clergy could look up with confidence. The rest of the Bill was for the purpose of carrying that object into effect, and if their Lordships should approve of the principle of the Bill, which was to establish a tribunal in each diocese, such as he had described, the details might be considered in Committee. It was further proposed to give a power of appeal to the Archbishop of the province. The noble and learned Lord concluded by moving that the Bill be read a second time.

The *Archbishop of Canterbury* said, that it would not be necessary for him to detain the House at any length after the speech of the noble and learned Lord on the woolsack, who had explained the nature of the measure to their Lordships with so much clearness and ability. He rose merely for the purpose of expressing a hope that noble Lords would give their most considerate attention to the Bill. This was a subject on which legislation was peculiarly required, because the clamour about the offences of the clergy generally had arisen from particular cases of clergymen escaping punishment; it was required, for the sake of the Church, and for the interests of religion, which were always prejudicially affected when there was any clamour upon subjects of that kind. The present Bill had been under consideration for some years, and was founded upon the recommendation of the Commissioners of Ecclesiastical Law—a Commission, which consisted of two Justices, all the Judges of the Ecclesiastical Courts, several Bishops, and other persons well versed in Ecclesiastical Law. Many different Bills had been proposed in successive years; and had been abandoned one after the other, on account of the difficulties with which the subject was surrounded. This Bill had been drawn up with great care; and the greatest attention had been bestowed upon it by persons whose extensive knowledge and talents could not be doubted. It, however, must be allowed that the measure was not perfect; there were many imperfections in it. Whether they could be remedied was a matter of some doubt, for the subject was one of great difficulty; but he trusted that both the spiritual and lay Lords would give their attention to the clauses, and assist in making it as perfect as possible—and, for his own part, he could assure their Lordships he should feel extremely obliged to any noble Lords, learned in the law, who might give such assistance—for the Bill was one of great importance to the country. With the advantages of such aid, he sincerely hoped that they might be enabled to impart to the measure the power to increase the efficiency of the Church, and keep up the character of its ministers.

Bill read a second time.

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HOUSE OF COMMONS,

Tuesday, June 28, 1836.

Minutes.] Bills. Read a third time:—Steam Carriages' Bill.—Read a first time:—Sale of Bread Bill.

Petitions presented. By Mr. Philip Howard, from the Medical Profession, Carlisle, for Medical Witnesses' Bill.—By Sir W. Brabazon, from Coing and Tumore, for Abolition of Tithes (Ireland).—By Mr. Thomas Baring, from Great Yarmouth, for Mr. Buckingham's Claim.—By Mr. Clay and Lord Stormont, from several Places, for Repeal of Duty on Newspapers.—By Mr. Thomas Baring, from the Wesleyans of Great Yarmouth, for Lord's Day Bill.—By Mr. Clay, from Tower Hamlets, for Amendment of Law of Ejectment.—By Mr. Dillon Browne, from various Places, for Abolition of Tithes (Ireland); and for Law of Landlord and Tenant.—By Mr. Tooke, from Truro, for the total Abolition of Church-Rates; and by Mr. Harvey, from Chesham, for the same purpose.

Van Dieman's Land—Mr. Bryan.] Mr. *Morgan J. O'Connell* said, that he rose to present three petitions affecting the conduct of the Executive Government in Van Dieman's Land, and he hoped therefore that the House would permit him to make a short statement on the subject. The first petition was from Mr. W. Bryan. The petitioner stated, that in the year 1830 he was appointed a magistrate in that colony; that in 1833 a servant of his was sentenced to death for cattle-stealing, and that while the said servant was in prison, awaiting the execution of his sentence, a magistrate of the colony of the name of Littleton was heard to make remarks on the conduct of Mr. Bryan, and to say that Mr. Bryan ought to be hanged instead of his servant. On hearing of this the petitioner sent a message to Mr. Littleton, demanding an explanation, which the latter refused. The petitioner then wrote to the Executive Government, demanding an investigation and an inquiry into the charges against him, which if true ought to be established. That inquiry was refused him. The petitioner then gave in his resignation of the office of magistrate. It was not accepted; but in the most contumelious manner his name was erased from the list of magistrates. The petitioner went on to state, that in November, 1833, all the assigned servants (as the convict servants were called) in his employment were withdrawn from him, by order of the Government, and that as this occurred in the middle of the sheep-shearing season, their loss was a great hardship to him. He then brought an action in the civil courts against the Governor and Executive Council for the loss he had sustained, but that, as the court decided on sending his action to an interested tribunal, he refused to go before it, and directed his solicitor to stop proceedings. He then, previous to his leaving the colony for England, put an advertisement in the papers, announcing his intended departure, and challenging inquiry into his conduct. The petitioner complained of the irresponsible power lodged in the hands of the Governor of Van Dieman's Land, particularly that of taking away, without any specified cause, the assigned servants in the employment of any particular individual. He, in conclusion, prayed the House to introduce British laws and British institutions, especially trial by jury, into that colony, and to make various improvements in the judicial department there.

Sir *George Grey* said, that it was perfectly true that Colonel Arthur did erase the name of Mr. Bryan from the commission of the peace, and removed the assigned servants that were in his employment. The latter power was one that was necessarily vested in the hands of the Governor of a penal colony, for the purpose of maintaining discipline amongst the convicts, and though the propriety of its exercise in a particular instance might become a fair question for consideration, he (Sir George Grey) was sure that no one would call in question the necessity for its existence. He would not on this occasion go into a statement on the part of Colonel Arthur, in answer to the allegations of the petitioner. The vindication which Colonel Arthur had made of his conduct to the Colonial-office was perfectly satisfactory to the Government, and for the present he would leave the House to form its opinion of that conduct from the statement of the petitioner himself. He would merely add, that he would move that the despatches of Colonel Arthur relating to the erasure of the petitioner's name from the commission of the peace, and to the dismissal of his servants, be laid before the House.

Petition to lie on the table.

Mr. *Morgan J. O'Connell* said, he had now to present the petition of Mr. Henry Melville, of Hobart-town, Van Dieman's Land, proprietor of the *Colonial Times* newspaper, complaining of the sentence passed on him for an alleged contempt of court. In presenting this petition, he begged to say that the hon. Baronet (Sir G. Grey) had last year expressed his disapprobation of a similar exercise of power on the part of a court in Newfoundland. The petitioner stated that a person of the name of Bryan had been prosecuted by the Government for the alleged offence of cow-stealing, and that a suspicion prevailed in the colony that he was persecuted because he was a relative of Mr. Bryan, the former petitioner. Some strong remarks on the subject having appeared in the petitioner's paper, he was brought before the court in Hobart-town, and subjected to interrogatories, one of which was whether he was not the author of a certain article in his paper. The petitioner having first protested against the principle of compelling him to answer such a question, stated that he was. He was then sentenced to be imprisoned twelve months, to be fined 100*l.*, and to give sureties for his good behaviour. It was certainly true that there had been since a remission of the petitioner's sentence, but it was necessary that there should be an expression of the public feeling in this country on the point, in order to curtail such an exercise of the prerogative as was here complained of in our distant colonies. The petitioner prayed for a remedy for such an evil in future. He had also to present a petition from the free inhabitants of Hobart-town, praying the attention of the House to Mr. Melville's petition. He must acknowledge that there was a technical objection to the reception of the latter petition, as all the names to it appeared to be written in the same hand. There was no doubt, at the same time, of the petition being a genuine document, and he was equally certain that the persons whose signatures were to it, and who were all individuals that took part in public affairs in Hobart-town, had authorised their being affixed to it. He thought it right, however, to say how the matter stood.

Sir *George Grey* said, that Mr. Melville having written what was considered a libel on the Court of Justice in Hobart-town, the court took it up as a contempt of court, and without the intervention of a jury sentenced Mr. Melville to fine and imprisonment. His Majesty's Government last year, after consulting the law-officers of the Crown, had expressed their decided disapprobation of the practice in reference to a case that occurred in Newfoundland. The statement which he (Sir G. Grey) made on that occasion in the House having reached Van Dieman's Land, the governor immediately remitted the sentence on Mr. Melville, and before a memorial from Mr. Melville reached the Colonial-office, they had received the governor's despatches announcing the remission of his sentence. With regard to the interrogatories put to Mr. Melville, the practice was an unusual one in this country, and the Government here was not prepared to countenance it. They had also given directions that such a practice should not be continued in the colonies. With regard to the other petition, it was clear that the signatures were not original; at the same time, he had no doubt that such a petition had been prepared and signed in the colony, and that the present was a copy of it.

Mr. *O'Connell,* in supporting the petitions, said that nothing could be more satisfactory than the part which Government had taken in this matter, and on a former occasion in reference to a similar case in Newfoundland. Nothing could be worse than that judge, jury, and accuser, should be united in the person of the same party, and the interrogatory proceeding was a necessary part of such a system. There was only one part of the empire, Ireland, where such a system was continued, and he trusted it would be put an end to in all our colonies.

Mr. Melville's petition to lie on the table.

The *Speaker,* referring to the petition from the inhabitants of Hobart-town, said, that the House having been once made cognizant of the irregularity in the document, it could not be received.

BALLAD SINGING.] Mr. *Dillon Browne* presented a petition from John Byrne, complaining of the conduct of James Cuffe, of Creagh, a magistrate and deputy-lieutenant of the county of Mayo. The petitioner alleged that he was a native of that county, and was following his occupation as a ballad singer, when he was arrested by Mr. Cuffe, and committed to gaol by him and other magistrates. He therefore prayed for an inquiry into the circumstances of his case, and that the House would adopt such measures as would prevent a similar violation of the rights of the subject.

Colonel *Perceval* said, before he adverted to the charges contained in the petition, he must beg leave to thank the hon. Member for the courtesy he had shown in postponing the presentation of the petition at an earlier period, and also for his having given him notice of his intention of presenting it that day. The petition was from an individual, calling himself a native of the county of Mayo, whereas he is a ballad singer, residing in Pill-lane, in the city of Dublin. This person brought charges against Mr. Cuffe, a magistrate and deputy-lieutenant of the county of Mayo—he accused him, in the first place, of having deprived him of his liberty without just cause, and also of unjustly depriving him of his property. He had had the pleasure of Mr. Cuffe's acquaintance for thirty years, and he could take upon himself to say, that Mr. Cuffe was incapable of acting unjustly towards any individual. The facts of the case were simply these:—Mr. Cuffe went into the town of Ballinasloe on the day in question, and found this Byrne, to whom the epithet of "a missionary of mischief" might with more justice be applied than it had been to a respected friend of his by the noble Lord opposite—Mr. Cuffe found this man in the market-place surrounded by a large mob, to whom he was singing ballads of a treasonable nature. Mr. Cuffe cautioned him against pursuing such a course, and told him that if he continued so to disturb the market and irritate the minds of the people, he would, for that day, at least, keep him quiet. Mr. Cuffe proceeded to another part of the town, and on his return in an hour afterwards, he found Byrne similarly occupied, and, in order to preserve the peace, he committed him. Mr. Cuffe, before committing him, again remonstrated with Byrne, but he openly declared his determination to continue to sing these treasonable ballads, in spite of the magistrate. Mr. Cuffe finding him so resolved, called to a constable, and desired him to take the man to the Bridewell, and directed him to have Byrne detained until the market business should be over, and to let him be discharged at seven o'clock, and at that hour he was accordingly liberated. In the observations which he had to make, he should not put forward any statement that was not supported by affidavits and certificates. He held in his hand the affidavit of the constable who took the man into custody, and of the bridewell-keeper; he had also the certificate of the chief constable as to the conduct of the petitioner. The constable who took the man into custody swears "that he was outside the Court-house, in the market-place of Ballinasloe, and that he there saw a man named Byrne, who had collected a large mob about him, and was singing ballads of a political character, very likely to inflame the minds of the persons about him." The petitioner charged Mr. Cuffe with having deprived him of his property; but the constable positively swore "that Mr. Cuffe did not take from Byrne any of the ballads, nor did he desire this deponent to do so, nor did this deponent take any of them." The bridewell-keeper had also made an affidavit, and he swore that Mr. Cuffe did not take any ballads from Byrne, nor did Byrne complain or allege that Mr. Cuffe had done so. The bridewell-keeper further swore that he purchased some of those ballads which, on reading, he conceived to be in language calculated to create riot. There was another circumstance connected with this petition, to which he should briefly advert. A certificate was appended to the petition signed by six Roman Catholic clergymen, verifying the truth of the statements contained in the petition. [Mr. *Browne:* He had detached the certificate from the petition.] But the priests had signed a certificate as to the truth of the statements contained in the petition, notwithstanding they had no means of knowing whether they were there or no. The bridewell-keeper swore that he had read a copy of the memorial of Byrne to the House of Commons, with the names affixed to it of several Roman Catholic clergymen—none of whom, with the exception of the rev. James Machale and the rev. Peter Hughes, came that day to the bridewell. The House would see that only two out of the six were competent to speak of their own knowledge of the transaction. The House would bear in mind that the bridewell-keeper had sworn that the language in which these ballads were couched was of such a nature as was calculated to create riot; and yet for the honest and conscientious discharge of his duty in preventing a riot, a respectable magistrate was to be dragged before the public, his motives misrepresented, and charges preferred against him, totally unsustained by facts. He felt it to be his duty to stand forward and put the conduct of Mr. Cuffe in its proper light, and he felt that the magistrates of Ireland had a right to demand of that House its marked disapproval of the line of conduct pursued on the present occasion. If Mr. Cuffe had done wrong, the laws provided a redress—but he would protest against the unfairness of dragging the most respectable persons in the country to the bar of that House on the unsupported testimony of the most worthless of mankind. He should take the liberty of reading a letter from a most respectable clergyman, named Anderson, giving his description of this Byrne, the letter was as follows:

> "Ballinrobe, June 8, 1836."
>
> "I have just read that a petition has been forwarded to Mr. Dillon Browne, M.P., for this county, for presentation to the House of Commons, in which the conduct of Mr. Cuffe, as a magistrate, is reflected upon for having committed to gaol John Byrne, a ballad singer, on the 16th of May last.
>
> "I did not happen to see this man on that day, but I did on the following; and I can assure you, that Mr. Cuffe's conduct in committing him was highly proper, at least in my judgment, and that of all the respectable persons in the town; for I have never seen so depraved a character as Byrne seemed to be. His savage yells, blasphemous vociferations, and rebellious defiance of the authorities, rendered the exhibition he made of himself awfully revolting to the community."

He had now endeavoured to discharge his duty to his friend Mr. Cuffe, as a magistrate and a gentleman, and took upon himself solemnly to state his firm conviction that Mr. Cuffe was quite incapable of acting oppressively or unjustly towards any individual. He conceived that the reception of such a petition reflecting upon the character of a most respectable magistrate, and unsustained as the charges were, would form a bad precedent, and he should therefore move that the petition be withdrawn.

Mr. *Hume* was anxious, as the hon. and gallant Colonel had talked of seditious ballads, to know whether he had seen or could produce them. Perhaps he could inform the House whether they belonged to the same school with that of which they had heard so much, and of which two of the lines run thus:—

> "Put your trust in God, my boys,
> And keep your powder dry."

Colonel *Perceval* had only stated, that he held two affidavits in his hand, from the two officers to whom he had alluded, stating that the petitioner had been singing treasonable and seditious ballads; he had never said that he had seen any of them. And when the hon. Member for Middlesex measuring others by himself, tried to convict him of telling an untruth, he would appeal to the House and the recollection of hon. Gentlemen as to what precisely he did say.—A particular ballad having been alluded to by the hon. Member, he must say there could be no doubt each differed very widely in his notions of sedition—so much so, indeed, that what he considered seditious, the hon. Member would perhaps not only not consider seditious, but highly useful and creditable to him in the particular course he endeavoured to pursue. He had only in conclusion to say, as to any reflections thrown out upon him or upon that party with whom he had formerly been connected, and with whom he ever would act, he should treat them—not to use a stronger word than the forms of the House would allow—he should treat them, considering the quarter whence they came, as they deserved.

Mr. *Dillon Browne* had presented the petition without at all reflecting or intending to reflect on the character of Mr. Cuffe. The case, however, demanded an inquiry, and he hoped the Government would communicate with the local authorities, and properly investigate the matter. He was not surprised to hear the hon. and gallant Colonel defending the conduct of magistrates who had violated the law.

The *Speaker* interposed. The hon. Member had no right to charge the hon. and gallant Colonel with an intention to defend magistrates who had violated the law.

Mr. *Dillon Browne* begged, if what he had stated were considered at all out of order, at once to apologize to the House; still, however, he could not but think the hon. and gallant Colonel had shown much anxiety that the spirit of liberty should not be extended to the county of Mayo.

Mr. *O'Connell* considered it quite clear that a gross neglect of duty had taken place on the part of this magistrate; for if any offence had been committed by the petitioner, why had he not been sent to trial? But though sent to gaol, no criminal charge had been lodged against him, and the ballad described as treasonable and seditious, was carefully kept back. He was sorry to see, that while in this country every one put himself forward as the advocate of the poor, in Ireland there was no hope of justice for the oppressed.

Mr. Sergeant *Jackson* protested against the time of the House being wasted with such matters. If any injury had been done to this individual, he could bring his action at law against the magistrate. The attention of Government should have been called to the subject, and they would no doubt have directed the necessary inquiries to be made.

Sir *John Wrottesley* asserted the right of every man to petition the House, and expressed his surprise, that among the papers with which the hon. and gallant Member was furnished, one of the seditious and treasonable ballads was not found. The whole gist of the question was, whether the ballads were or were not such as had been described.

Mr. *Wynn* maintained, that the House of Commons was not the proper judge of a question of this kind, and that resort ought to be had to the proper tribunals provided by the Constitution. There was too strong a disposition at this time to pass by the regular tribunals for the administration of justice, and to appeal to the House.

Mr. *Sheil* referred to the use sometimes made of ballads in debates in Parliament, of which he had himself witnessed a very recent instance. If any information had been sworn before Mr. Cuffe, he might have been justified in the course he had pursued; but here it was merely suggested, that the language of the ballads was seditious and treasonable. There certainly was no better judge of treason and rebellion than the hon. and gallant Member; but he had not answered the question where any of these seditious and treasonable ballads were to be found. The right hon. Member for Monmouthshire had asked if this were a fit question for the House? Undoubtedly, if a magistrate exceeded his duty by committing a man, the party injured could appeal to no more proper tribunal. The right hon. Gentleman's knowledge of the forms of the House was great and accurate, but he knew very little of its great constitutional powers. If an individual were aggrieved, he had a right to state his grievance to the House. Here it was evident that the law had been violated, and the liberty of the subject improperly restrained; and he trusted that the Lord Chancellor of Ireland would take care to investigate all the facts of the case.

Mr. *Shaw* said, the time of the House ought not to be occupied with trifling complaints of this nature. The question was not, whether the ballad was treasonable or not, but, as stated by his hon. and gallant Friend, whether Mr. Cuffe, in the discharge of his duty as a magistrate, had acted wrong, when, upon his own responsibility, and apprehending a disturbance of the public peace, he had committed for a short time to prison the individual through whose means that breach of the peace was likely to occur. Would English gentlemen like such complaints as these to be made against them, as magistrates, upon such grounds? He most earnestly, and once for all, protested against the doctrine, that the poor man could not procure legal redress in Ireland, and in the present case no attempt was made to seek redress by the ordinary course of the law, if any grievance at all existed, which he was persuaded was not the case.

Colonel *Perceval* added, that the magistrate had acted upon his own personal cognizance, that Byrne was singing treasonable ballads.

Sir *William Brabazon* was understood to say, that he had seen the ballads, and that he could find nothing treasonable in them. Without the production of them, the case could not properly be decided.

Petition to lie on the Table.

SITTING OF THE HOUSE.] Mr. *Poulter* said, that the state of the public business at this period of the session, was such as to induce him to move that the House should sit on Thursday next, at twelve o'clock.

Mr. R. Wallace seconded the motion.

Sir *J. Graham* thought, that this was a motion which ought to be supported by some reasons adduced. It ought to be remembered that many important Committees were still sitting, which would prevent many hon. Members from attending in their places during a day-sitting of the House. He himself was engaged on a most important Committee, that on agriculture, which had now sat four months, and had not yet concluded its Report. Other hon. Members were engaged on equally important Committees, such as those on the subject of joint-stock banks, and the question of slave apprenticeship, and it would be unjust to them to proceed with important measures before the House itself during their unavoidable absence.

Mr. *Poulter* did not doubt the importance of the Select Committee to which the right hon. Baronet had alluded, but he must observe, that there were measures of equal importance now upon the table, which it would be impossible to carry through this session without that opportunity, which a day-sitting of the House afforded, being given to hon. Members charged with those Bills. He had been intrusted with a measure relating to the government of the town of Poole, which was deeply interesting to those who sought its benefits, and which they could not obtain except by a concession of his present motion.

Mr. *Pease* said, that he had been an advocate for the morning sittings, but experience convinced him that their continuance would have been highly disadvantageous.

Mr. *Brotherton* was also unfavourable to morning sittings.

The House divided: Ayes 43; Noes 51;—Majority 8.

List of the AYES.

Attwood, T.
Baines, E.
Baring F. T.
Barnard, E. G.
Blake, M. J.
Bowring, Dr.
Brady, D. C.
Buckingham, J. S.
Buxton, T. F.
Collier, J.
D'Eyncourt, rt. hon. C. T.
Duncombe, T.
Ebrington, Ld. Visct.
Ewart, W.
Fergus, J.
Gordon, R.
Hay, Sir A. L.
Hobhouse, rt. hon. Sir J.
Howick, Lord Visct.
Hume, J.
Johnson, A.
Labouchere, rt. hn. H.
Lister, E. C.
Lushington, Dr.
Lushington, C.
Marsland, H.
Maxwell, J.
Murray, rt. hn. J. A.
Potter, R.
Roche, W.
Russell, Lord J.
Smith, R. V.
Smith, B.
Steuart, R.
Thornely, T.
Walker, R.
Wallace, R.
Warburton, H.
Wason, R.
Wigney, I. N.
Wilde, Mr. Serg.
Williams, Wm.
Winnington, H. J.

TELLERS.
Mr. Poulter
Mr. Wakley

List of the NOES.

Agnew, Sir A.
Attwood, M.
Balfour, T.
Bolling, W.
Bramston, T. W.
Brotherton, J.
Buller, E.
Calcraft, J. A.
Chapman, A.
Chichester, A.
Compton, H. C.
Denison, J. E.
Egerton, Lord F.
Estcourt, T.
Follett, Sir W.
Forster, C. S.
Gaskell, J. Milnes
Goulburn, rt. hon. H.
Goulburn, Mr. Serg.
Halford, H.
Hamilton, G. A.
Hardy, J.
Hawkins, J. H.
Inglis, Sir R. H.
Irton, S.
Knight, H. G.
Law, hon. C. E.
Lowther, J. H.
Mahon, Lord Vis.
Norreys, Lord
Packe, C. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Praed, W. M.
Rickford, W.
Rushbrooke, Col.
Russell, C.
Scarlett, hon. R.
Scourfield, W. H.
Sibthorp, Col.
Thompson, Col.
Tooke, W.
Trelawny, Sir W.
Trevor, hon. Arthur
Twiss, H.
Wilson, H.
Wynn, rt. hn. C. W.
Young, G. F.

TELLERS.
Sir J. Graham
Sir G. Clerk

REGISTRATION OF BIRTHS.] Lord John Russell moved the third reading of the Registration of Births Bill.

Bill read a third time.

On the question that the Bill do pass,

Mr. *Goulburn* rose to move an amendment. In doing so he wished it to be understood, that he had no objection to the Bill, so far as it went to remove one of the grievances of the Dissenters, in giving them a system of registration. Nor did he wish to oppose that which was essential to the interests of this country, the establishment of a complete and general system of registration of births, marriages, and deaths. But while fully and cordially concurring in these two objects, he did not feel debarred from expressing his opinion on the provisions by which this Bill proposed to carry them into effect, especially if they imposed additional burdens upon the members of the Church of England: or, still farther, if they gave a parliamentary sanction to the omission on the part of such persons of a rite, which their Church inculcated as essential to the happiness, both present and future, of its members. He would, therefore shortly state the nature of the objection which he felt to one of the provisions of this Bill and the amendment which he intended to propose for the adoption of the House. As the Bill at present stood, it required, that upon the birth of every child the parent should furnish to the registrar the name of that child. Thus it imposed upon members of the Church of England the necessity of naming their children before bringing them to the baptismal font. He should propose an amendment in Clause 19, which should require the parent to give in to the registrar, upon the birth of a child, every particular which the clause as it stood at present required, with the exception of the name. If that were acceded to, he should then propose, in Clause 23, to omit some words at the commencement of it, and to introduce others, requiring that within a certain time after the baptism of a child the parent should communicate to the registrar the certificate of baptism, in order that the name might be inserted in the Registry. We adopted precisely the provisions which the Bill now contained, enabling parents after having given their child a name in the first instance to alter it after baptism. No greater difficulty, therefore, would attend his plan than attended the provisions of the noble Lord for altering names. With regard to persons who conscientiously objected to the celebration of the rite of baptism according to the ritual of the Church of England, he proposed that a declaration should be given to the registrar, that they did so object, accompanied with the name of the child to be inserted in the Registry. By this process he thought the noble Lord would attain his objects as effectually as by the Bill as it now stood: while at the same time he would exonerate the members of the Church of England from the necessity of naming their children independently of their baptism at the font. He (Mr. Goulburn) was anxious not to propose any thing which might bear even the appearance of pressing upon the consciences of Dissenters; but he did not believe they had in any petition to that House required, or that they would require, that the members of the Church of England should be, by having any additional burden imposed upon them, induced to violate one of the rites of that Church to which she attached the greatest possible importance. It was, in the opinion of all members of the Church who reflected on the subject, of great importance, that the act of naming a child should not be severed from the rite of baptism; and he need hardly suggest, that if such a severance prevailed in practice, it might lead some persons to omit the rite altogether. He entreated the House to look at the awful responsibility which this involved. Let the House reflect upon the situation to which the conscientious incumbent would be reduced by this Bill as it at present stood. By the law of the land at present baptism must be public—in the church: it required this, because it considered, that not only the welfare of the infant, but the instruction of the spectators, should be regarded in the administration of the rite of baptism. And though private baptism was in particular cases allowed, it was an exception to the general rule. Under this Bill, if it passed as it now was framed, the incumbent would be either compelled to induce his parishioners to violate the law, or to bring their children to be privately baptised before the period arrived at which they were to be registered. Let the House remember, that upon the due performance of the rite of baptism depended the performance of some of the most solemn ceremonies of the Church: the rite of confirmation—the visitation of the sick—and, still more, the burial of the dead. And let them reflect for a moment upon the responsibility they would incur, by giving a parliamentary sanction to the omission of the rite of baptism, if, without having been baptised, a child being afterwards brought to the burial ground for interment according to the ceremonies of the Church of England, and the incumbent, acting conscientiously according to the directions of his Church, and the requirements of the law, should upon ascertaining that circumstance be compelled to harrow up all the feelings of the weeping relatives and assembled friends by declining to read the burial service, so instructive to the hearers—so consoling to the relatives! Speaking to an assembly the majority of whom belonged to the Church of England, he (Mr. Goulburn) hoped he should not be considered presumptuous in pressing this amendment upon their attention. He assured the House, that in doing so he was actuated by no earthly motives but those which he had stated, and he was supported by the opinions of many entitled to respect for their judgment and conscientious conviction. He begged to move, that in Clause 19, page 7, after the word "child" the words "except the name of the child," be inserted.

The question having been put,

Lord *John Russell* said, I shall not enter into any lengthened discussion upon this subject, I agree with what the right hon. Gentleman has stated as to the importance of the rite of baptism, but it does seem to me that he has made out no proof that the effect of this clause would be, that children would not be brought to the font; and I do not see any reason why those who believe the administration of the rite of baptism to be essential to the welfare of their children, should not bring their children to be baptised without being under the necessity of resorting to a private baptism. Indeed, the right hon. Gentleman has given one reason which clearly shows that the inducement to members of the Church of England, to baptise their children, will be as strong when the Bill is passed as at present. If the reading of the burial-service depend upon the due performance of the rite of baptism, and if the incumbent on learning that that rite has not been performed, is compelled to harrow up the feelings of relatives and friends by refusing to read the service; why surely this will operate very strongly, as inducement to parents to take their children to be baptised. And I really cannot see why the mere inserting of their children's names in a public register, should be of itself an act which would prevent them from so doing. As I see, therefore, no reason whatever to apprehend the consequences which the right hon. Gentleman anticipates from this Bill, I cannot consent to adopt his amendment.

Sir *Robert Inglis* said, with respect to what the noble Lord seemed to think, that the rite of baptism would be as much regarded, if the Bill passed as it was now, he (Sir Robert Inglis) would remind the noble Lord that the name under this Bill must be given within a certain number of days, whereas at present, any interval within six, or even sometimes twelve months might elapse before the rite of baptism was administered to a child. The noble Lord had said, that the refusal of an incumbent to read the burial-service, on the ground that the deceased had not been baptised, would operate as an example to induce in others attention to that rite. But then let the House remember that the injury was done to the child in the mean time. All that he (Sir Robert Inglis) asked on the part of the Church was, that in framing a measure of relief to Dissenters, the noble Lord would leave to its members the enjoyment of a registry with which they were content; and not make the Bill (as it was now) a Bill of pains and penalties against those persons, by imposing on them an additional burden of trouble which they were not now obliged to take, and compelling them to pay a fee which they were not now paying; by maintaining at their expense a system which they did not desire; and thus holding out a temptation to them to forsake or neglect a rite to which their Church attached great importance, — in order to attain an object not connected with the spiritual, but the mere temporal advantage and convenience of a distinct class of his Majesty's subjects.

Mr. *Ewart* objected to the mode in which the right hon. Gentleman proposed to carry his object into effect; the postponement of the naming the child till after baptism, would in his opinion be a most circuitous method, and one which would throw great difficulties in the attainment of the general object of the Bill. And as to the ground on which the right hon. Gentleman proposed his amendment, viz. that the Bill as it stood now would encourage the omission of the rite of baptism, he (Mr. Ewart) was quite convinced that conscientious persons would never omit the rite of baptism merely because of that Bill, and those who were not conscientious would not be rendered more attentive to the rite by reason of the amendment of the right hon. Gentleman.

Dr. *Bowring* agreed with his hon. Friend, the Member for Liverpool. The object of the Bill was misunderstood by Gentlemen opposite. It was not to promote the observance of a religious rite, but to supply, by means of a general registry, statistical information, which it was highly necessary for the advantage of the community that the state should possess.

Mr. *Arthur Trevor* hoped the amendment would be pressed to a division, and expressed his regret that he should hear such a sentiment as that expressed by the hon. Member who had just sat down with respect to marriage. He trusted that a respectable minority would support the valuable amendment of the right hon. Gentleman the Member for the University of Cambridge.

Dr. *Lushington* said, he could not perceive in the whole of the Bill one provision which had the slightest tendency to prevent or discourage compliance with any of the rites of the Church of England, or even to render compliance with them more onerous than they were at present. The complaints of hon. Gentlemen opposite might apply to some Bill existing in their own imagination; but to the Bill before the House, they had no application whatever. The hon. Baronet, the Member for Oxford University, had assumed that all the members of the Church of England were content with the existing system of registration. Whereas, it must be obvious to every one having any experience in these matters that they suffered as much from the evils of that system as the Dissenters; with respect to the amendment of the right hon. Gentleman, the Member for the University of Cambridge, did he mean to make his provision compulsory or optional upon parties? He (Dr. Lushington) apprehended not compulsory, but if it were made optional, he asked was there not a probability almost amounting to certainty, that numbers of persons would not go back to the registrar with the name of the child who had been baptised, to be inserted in the registry? And would not then the whole object of the registry be frustrated,—the securing the identity of the persons registered? He (Dr. Lushington) saw no reason for this amendment upon a religious ground. If he were discussing a Bill which in his opinion was calculated to injure the Church of England, by appearing to encourage neglect of her rites on the part of her members, he would not hesitate, as a member of that Church, in giving it his opposition. But he must say he could see no tendency of that kind in the Bill before the House. He was yet to learn that the compelling members of the Church of England to register the name of their children before baptism, had a tendency to encourage their omission of that rite altogether.

Sir *Robert Peel* said, it was gratifying to observe, that this discussion had been carried on in a tone and temper worthy of the House, and suitable to the gravity and importance of the subject under consideration. It had been admitted on the opposite side, that it would be a great evil, by any legislative enactment, to relax the sense of the importance which at present attached to the performance of the baptismal rite. The question then was, whether such was likely to be the result of this Bill. He did not think that the object of those who framed the Bill was to bring the baptismal rite into disrepute or abeyance. His complaint was, that they undervalued and overlooked the probable practical working of the measure. By law and usage the name of the child had been associated with the baptismal ceremony. This was and had been the universal practice of the Church of England. It had also, he believed, been the practice of the Roman Catholic Church; and if he were not mistaken, the majority of the Dissenters looked upon baptism as essential in naming their children. What was proposed by the Bill? By a legislative enactment, to sanction the naming of a child without the baptismal ceremony. Could that be looked upon by the unthinking and uneducated in any other light than as a disregard of that ceremony? An Act of Parliament separated the naming of the child from the baptismal rite, and made the registration as valid as the ceremony. This might not be productive of any evil consequences amongst the upper and more respectable classes, who would most probably resort both to the registration and the baptism; but what would be its effect upon the great mass of the population? Would it not be an inducement to them to rest content with having the name entered upon the civil record? Many plausible arguments had been used in support of the measure, and amongst others this, that where there was a true sense of religious feeling, the ceremony would be resorted to. Now it was of the utmost importance, that where this religious sense did not exist, the House should, as much as possible, indicate its necessity. It was impossible to say how the feeling in favour of the religious observance could be best created; but surely the omission of the ceremony, as proposed by this Bill, was not the way to promote it. It had been urged, that if registration were not enforced in the manner pointed out by the Bill, the trouble of effecting the registration would render it difficult to obtain a perfect record; but would not the same argument hold good the other way? If the avoidance of trouble would prevent registration, would it not also prevent baptism? By this Bill was encouraged the omission of the rite. Not by a direct obligation, but by sanctioning the omission of that which the great mass of the people at present considered of great importance. By passing a law in contradiction to that feeling, they were led to suppose that the legislature disparaged the ceremony. Why violate, in that manner, the consciences of a great mass of the people? Suppose there were a large body of Dissenters placed by this Bill in the position which those of the Church of England hold now. Suppose they said, "We do not want any change. We wish to retain the ceremonial. Legislate as you please for yourselves, but leave us as you find us." Should not they say, in answer to this just demand, "Seeing the importance which you attach to this ceremony, we will not do any act which would have a tendency to desecrate it in your opinions, or to violate that which you hold sacred." He objected, then, to this part of the Bill, because it violated the conscientious opinions of the members of the Established Church, and he never could consent to the omission of a rite which that Church considered so solemn and necessary. He would merely state further, that he gave his cordial support to the amendment of his right hon. Friend.

The House divided on the amendment —Ayes 73; Noes 97—Majority 24.

List of the Ayes.

Agnew, Sir A.
Arbuthnot, hon. H.
Ashley, Lord
Bailey, J.
Balfour, T.
Bolling, W.
Bramston, T. W.
Calcraft, J. H.
Chichester, A.
Codrington, C. W.
Cole, Lord Visc.
Compton, H. C.
Duffield, T.
Dunbar, G.
Eaton, R. J.
Egerton, Sir P.
Egerton, Lord F.
Finch, G.
Follett, Sir W.
Forbes, W.
Gaskell, J. Milnes
Geary, Sir W.
Gordon, hon. W.
Goulburn, rt. hon. H.
Goulburn, Mr. Serg.
Graham, rt hon. Sir J.
Hale, R. R.
Halford, H.
Hamilton, G. A.
Hawkes, T.
Hay, Sir J.
Hayes, Sir E. S.
Henniker, Lord
Herries, rt. hon. J. C.
Hogg, J. W.
Inglis, Sir R. H.

Johnstone, Sir John
Johnstone, J. J. H.
Irton, S.
Knight, H. G.
Law, hon. C. E.
Lees, J. F.
Lowther, hon. Colonel
Lowther, J. H.
Lygon, hon. Colonel
Mahon, Lord Viscount
Martin, J.
Norreys, Lord
Packe, C. W.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, E.
Perceval, Col.
Pigot, R.
Plumtre, J. P.
Praed, W. M.
Price, R.
Rae, rt. hon. Sir W.
Richards, J.
Rickford, W.
Rushbrooke, Colonel
Scarlett, hon. R.
Sheppard, T.
Stanley, E.
Trevor, hon. Arthur,
Trevor, hon. G. R.
Twiss, H.
Wilbraham, H. B.
Wilson, H.
Wynn, rt. hon. C. W.

TELLERS.

Sir G. Clerk
Mr. Ross

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Baines, E.
Baring, F. T.
Barnard, E. G.
Beauclerk, Major
Benett, J.
Bernal, R.
Blake, M. J.
Bowring, Dr.
Brotherton, J.
Buller, E.
Campbell, Sir J.
Chalmers, P.
Collier, J.
Crawley, S.
Denison, J. E.
D'Eyncourt, rt. hon. C. T.
Donkin, Sir R.
Duncombe, T.
Ebrington, Lord Visc.
Ewart, W.
Fergus, J.
Fitzsimon, N.
Folkes, Sir W.
Fort, J.
Gordon, R.
Grattan, H.
Grey, Sir G.
Grosvenor, Lord R.
Hastie, A.
Hawkins, J. H.
Hay, Sir A. L.
Hector, C. J.
Hobhouse, right hon. Sir J.
Howard, P. H.
Howick, Lord Visct.
Hutt, W.
Labouchere, right hon.
Lennard, T. B.
Lennox. Lord A.
Lennox, Lord J. G.
Lister, E. C.
Lushington, Dr.
Lushington, C.
Maher, J.
Marshall, W.
Marsland, H.
Morpeth, Lord Visct.
Morrison, J.
Mullins, F. W.
Murray, right hon. J. A.
Nagle, Sir R.
O'Loghlin, M.
Palmerston, Lord Viscount
Parker, J.
Parrot, J.
Pease, J.
Pechell, Captain
Pelham, hon. C. A.
Potter, K.
Poulter, J. S.
Power, J.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Rooper, J. B.
Russell, Lord J.
Scott, J. W.
Seymour, Lord
Smith, R. V.
Smith, B.
Stewart. P. M.
Stuart, Lord J.
Talbot, J. H.
Talfourd, Mr. Sergt.
Thomson, right hon. C. P.
Thompson, Colonel
Thornely, Thomas
Tooke, W.
Trelawny, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Vivian, J. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Whalley, Sir S.
Wigney, I. N.
Wilbraham, G.
Wilde, Mr. Sergeant
Williams, W.
Williams, W. A.
Winnington, H. J.
Woulfe, Mr. Sergt.
Young, G. F.

TELLERS.

Mr. E. J. Stanley
Mr. R. Steuart.

Other proposed amendments were put and negatived.

On the question being again put, that the Bill do pass,

Sir *Robert Peel*, before the Bill passed, wished to call the attention of the noble Lord to the position of Parish Clerks, whose incomes would be greatly reduced by the Bill, particularly in the north of England. He was acquainted with one case where the income of the parish-clerk, who had a freehold in his office, amounted to 75*l.* per annum, and of this 62*l.* were derived from fees on births and marriages.

Lord *John Russell* was very sorry that parish-clerks should suffer from the operation of the Bill; but he did not see how he could provide compensation for the losses they might sustain, as he could not tell to what fees they were legally entitled, and what they had legally received. Hereafter Parliament might take the case into its consideration, and give such compensation as the circumstances seemed to require.

Lord *Francis Egerton* called the noble Lord's attention to another case, which was not less hard than the case of the parish-clerk's, namely, that of those gentlemen who served parochial cures, not only in the metroplis where the evil chiefly prevailed, but in all great towns. The income of these gentlemen was in many cases derived from the fees received upon births and marriages, and he, therefore, hoped that the noble Lord would not refuse to hold out the same hope to them which he had permitted parish-clerks to entertain.

Mr. *Arthur Trevor* remarked, that one of the most valuable pieces of preferment in the metropolis would, if this Bill passed, hardly be worth holding.

Sir *Robert Peel* remarked, that the parish clerks stood now in a better position than they did in the morning, for the noble Lord in alleging that he did not know what the amount of their losses might be, and whether their fees were legal, impliedly promised that if their losses were ascertained and their fees were shown to be legal, he would do something for them. This would, no doubt, be very acceptable to them, for a Minister's promise gave great atisfaction to the parties who received it.

Bill passed.

Marriages.] The Marriages' Bill, on the motion of Lord John Russell, was then read a third time.

Mr. *Goulburn* moved the addition of a clause, whereby it was required that in all cases where marriages were solemnized not in a church or chapel according to the rites of the Church of England, the parties should make the following declaration:—"I do solemnly declare that I have conscientious scruples against the solemnization of marriage according to the rites and ceremonies of the Church of England." The right hon. Gentleman said, that there were Dissenters as well as members of the Church of England, who thought a religious ceremony requisite to the validity of a marriage; and nothing more was required by this clause than that those who considered marriage as purely a civil contract, should make a declaration to that effect. The object of the clause was to prevent members of the Church of England from adopting this form, which might have serious consequences, and to limit it to persons who really had conscientious scruples upon the subject. He did not wish to enforce forms which were objected to, but members of the Church of England were convinced of the necessity of retaining the awful denunciations against improper marriages, which would be omitted in the mere civil contract. All he asked the House to do by this clause was, that where marriages were to be celebrated as a mere civil ceremony, the persons requiring them to be so performed should make this declaration. The effect would be, that marriages in registered buildings would be confined, as they ought to be, to persons who had conscientious scruples against the ceremony as solemnized by the Church, and the same awful denunciations which now existed in respect to marriages so solemnized would be retained as regarded all members of the Established Church, who would be bound by the same obligations as at present, and instructed in the same duties.

Clause was brought up.

Dr. *Lushington* said, that if this clause was adopted, it would defeat the great object and principle of the Bill. If he understood its principle and intent, it was to afford relief to the great body of Dissenters by having them that to which they had a clear right—the power of contracting marriage without being subject to a religious test; and he understood this clause to be a religous test. A great many persons attended Dissenting chapels who did not cal them ves Dissenters, and who communicated with the Church of England; but the great bulk of the Dissenting body claimed the right he referred to, and he would state the footing on which they claimed it. They considered the rite to celebrate marriage according to their own rites and ceremonies as a natural right, and that Parliament itself had no title to prescribe forms and ceremonies for that rite, except so far as the general benefit of the community required the prevention of clandestine marriages. The Dissenters said, and he said with them, that the right of marriage was giyen by Providence, and it was not for man to impose restrictions on it. He would go a step further, and say that, as to marriage, the Dissenters had a right to be put on the same footing with the members of the Church of England. They had a right to have chapels in which they could solemnize marriage, according to the forms in a manner most binding to their own consciences, and Parliament had no right to force them to declare that they conscientiously disapproved of the proceedings of the Church of England. They claimed the right of marriage without being compelled to unfold their religious opinions. The right hon. Gentleman wished to violate this first and greatest of rights, for what advantage? The argument of the right hon. Gentleman was, that, in his opinion, the addition of a solemn religious rite, gave to the measure a binding and obligatory force. The Dissenters say, we do not think so. The right hon. Gentleman had assumed that there would be no religious ceremony. He had no reason for so assuming. The great majority of Dissenters would solemnize their marriages with the same feelings as members of the Church of England. There was another point upon which he disagreed with the right hon. Gentleman. He had never yet heard that in any country in which marriage was deemed a civil contract with the religious ceremony, it was not considered an obligation binding upon the consciences of those who entered into it, and he had never yet heard that it was considered capable of being dissolved because one party might say, "I will not fulfil the contract," and the other might repudiate it. There was no reason to anticipate any of the ill consequences which the right hon. Gentleman had imagined. This proposition would necessarily lead to many inconveniences. Marriages between parties not belonging to the same communion, as between a Dissenter and Churchman, and *vice versa,* were of daily occurrence. If a Dissenter married the daughter of a Churchman, was he to make an *ex parte* declaration that he disapproved of the ceremonies of the Church of England? Was the exposure of the circumstance of husband and wife being of a different faith, likely to be productive of any advantage? He opposed the clause for this reason, that it went to do that which was directly contrary to the spirit and feeling of the Bill from beginning to end.

Sir *Robert Inglis* said, that the speech of the hon. and learned Gentleman would have been more suitable if this clause had been proposed on the first introduction of the Bill, but it was inconsistent with the Bill as it now stood; for the very same test which his right hon. Friend proposed as a protection to the Church of England, was actually, *totidem verbis,* introduced into the Bill as it stood, with the sanction of the noble Lord. In the 18th Clause were these words—"I do solemnly declare that I have conscientious scruples against marrying in any church or chapel, or with any religious ceremony." If the hon. and learned Member had adverted to this clause, whatever other objections he might urge against that of his right hon. Friend, he would not have objected to it because it introduced a test.

Mr. *Baines* said, that such a clause would deprive the Bill of all its efficacy. If he stood alone, he would divide the House against its adoption. The right hon. Member for the University of Oxford had certainly shown that the Bill, as it stood, contained a provision of a similar character. He (Mr. Baines) was shocked and astonished when the right hon. Gentleman read it; and how it came there he was utterly at a loss to conceive. He hoped, however, that the House would fulfil the pledge which they had given to the Dissenters, and would strike out so obnoxious a clause. The right hon. Gentleman had no right to call on the Dissenters to declare that they had a conscientious scruple to the performance of the marriage ceremony according to the rites of the Church of England. They could not make such a declaration. They might have a moral objection—they might have an objection of feeling; but they could not say they had a conscientious objection. To attempt to pass the Bill with such a clause would be to confer a benefit with a very bad grace; and he was persuaded that it would be rejected by the Dissenters. In some cases in which the general interest, or the interest of the Church, might be supposed to be endangered, a test might with less impropriety be required; but here the whole affair was between the parties themselves, and therefore it was impossible to imagine a more ungracious proceeding.

Lord *John Russell* agreed in opinion with those who had said that the words of the clause would deprive the Bill of all efficacy as a relief to the Dissenters. The great majority of the Dissenters claimed the performance of the marriage ceremony in their own chapel; but if this declaration was necessary, it was impossible for the great majority of the Dissenters, who might not have conscientious scruples, to take advantage of the Bill, which would thus be rendered nugatory. The hon. Baronet, and the hon. Member behind him, had taken advantage of the clause which related to the civil contract; in which a declaration had been introduced, it was said, with his sanction. It had been introduced on bringing up the Report, *prima facie,* in consequence of what had fallen from the right hon. Member for Tamworth. He had understood that the hon. Baronet stated, that he preferred to vote, and he did vote, for all the clauses which recognised marriage as a civil contract before the superintendent, without any religious ceremony; but he had contended that it should not be the policy of the State to encourage members of the Church of England and of the different sects to consider this as a civil ceremony merely; and that the effect of that clause went beyond its intention—that it was intended for the relief of persons objecting to marry in the Church, and according to any religious rites, and who claimed to regard marriage as a civil contract only; but the right hon. Baronet's argument was, that its effect would be not only to allow such marriages, but to encourage, contrary to the policy of the State, the making the marriage ceremony a civil ceremony. He had had no communication with the right hon. Baronet out of the House, but he owned that it struck him that there was some force in what he stated, and a declaration had been accordingly introduced into the Bill. This had undoubtedly given an advantage to the hon. Baronet, who said, that the words so introduced were a justification of the words proposed by the right hon. Gentleman; but they did not appear to him to afford such a justification; but if he was told, that the words in this clause must be maintained unless the others were struck out, he should have no hesitation in stating which course he should prefer to take. He admitted the force of what had been stated by the right hon. Baronet, but if he was told that it was inconsistent to admit the words in the 18th Clause, and to resist the clause proposed by the right hon. Gentleman, he should have no hesitation in rejecting the words in this clause, and in voting for the exclusion of the words in the other clause. He did not think that the words in the 18th Clause introduced anything like a religious test into the Bill; but it seemed as if they were so considered, and he preferred restoring the Bill to the state in which it was in the Committee, to introducing a clause so liable to objection, and so fatal to the object of the Bill, as that proposed by the right hon. Gentleman.

Mr. *Law* rose to support the amendment proposed by the right hon. Gentleman (Mr. Goulburn). He was ready to concede to the Dissenter every thing that the Dissenter could fairly require; but he apprehended that the Dissenter was not ashamed of his dissent, and that upon the most solemn arrangement of his life he would not wish to deal otherwise than openly and fairly; and he apprehended further that the Legislature had a right to require from the Dissenter, as well as from the member of the Established Church, an observance of that form of marriage which should be supposed to be most binding upon his conscience. The proposition of his right hon. Friend (Mr. Goulburn) went only to this: that before a man was permitted to disengage himself from any religious ceremony in matters of marriage, he should declare that he entertained either a religious or a conscientious dissent from the form prescribed by law. He (Mr. Law) thought that proposition to be perfectly reasonable. The noble Lord had intimated his intention of rejecting the clause; he must concede to the noble Lord the merit of consistency and of pliancy to his party. Was it not the pressure of the moment upon his flank that induced him to abandon the clause? The Legislature had no right to unchristianize matrimony. It had been said we should be liberal to the Dissenters; was no liberality to be shown to the Church of England? All that was required was, that before going to a marriage-broker, a declaration of religious scruples should be made.

Mr. *Warburton* said, he was no advocate for the desecration of the marriage rite. But what was the object of an oath? The object was to bind the conscience, and the State, in prescribing oaths, was compelled to allow persons to appeal to false gods and even devils. The object of an oath and of a marriage ceremony was to bind the conscience, and to make it obligatory on those who contracted marriage to observe the duties consequent upon it.

Mr. *Cutlar Fergusson* begged to remind the House, that the principle on which the right hon. Baronet (Sir Robert Peel) introduced his Bill on a former occasion was, that marriage ought only to be regarded as a civil contract, and not as a matter of religious ceremony. He certainly thought that the Legislature ought not in matters of this kind to strain the conscience of any man.

Mr. *Arthur Trevor* thought that the solemnity of marriage would be degraded, and a series of evils be inflicted on the community at large, by the adoption of a Bill of this kind. He had no hesitation in declaring that as his conscientious belief; and upon that ground he felt it to be his duty to protest against the measure, as one of a most mischievous and most dangerous character.

Mr. *Hardy* expressed his determination to vote against the proposition made by the right hon. Gentleman, and to support the clause proposed by the noble Lord.

Sir *Andrew Agnew* rose for the purpose of requesting the right hon. Gentleman (Mr. Goulburn) not to persist in his motion. He thought that the noble Lord was entitled to the gratitude of the Dissenting body for the course he proposed to pursue.

Colonel *Thompson* hoped that nothing which proceeded from the opposite side would induce the noble Lord to disappoint the expectations which had been raised in the mind of every friend of religious toleration. If he did, it would go forth to the country, that the Government which was afraid to oppress the great Dissenters, was not unwilling to oppress the small. The Dissenters at large would feel that dust and ashes were mingled in what was offered to them as a boon, and a gross insult would be conveyed to them, where they had looked to receive a favour.

Sir *Robert Peel* thought it quite unnecessary, however natural it might be, for the noble Lord to disclaim having had any communication with him on the subject of this clause; still, however, he was desirous of adding his positive declaration to the assurance of the noble Lord, that all which had passed between them had transpired publicly in that House. Having made his proposition, to which at the time no human being made any opposition, the noble Lord, from a perfect conviction of its justice, had voluntarily, and without any communication with him, adopted and introduced it as a clause in the Bill. He repeated, the noble Lord had given no intimation whatever of his intention to introduce that clause, and therefore it had been forced on him by no hostile display on the part of those on that (the Opposition) side of the House. He merely stated, that it would be a great satisfaction to the religious community to come to an arrangement upon this subject, without making any distinction between the members of the Establishment and the great body of the Dissenters; and the arrangement which he wished to see effected with respect to marriage was this—there being no objection whatever on the part of the members of the Church of England to be married according to its ceremonies, he was anxious to leave the members of the Establishment *bona fide* exactly as they now stood, he would not interfere with them at all; no human being, a member of the Church of England, having expressed any objection to its rites; he did think it unjust, in giving relief to the Dissenters, unnecessarily to interfere with what gave universal satisfaction to a church. At the same time, he had no hesitation in saying, although the avowal might possibly subject him to the disapprobation of some, that the arrangement he also wished simultaneously to be made was one which would give entire relief and satisfaction to the feelings of the Dissenters. He wished to see Dissenters placed on the same footing as the members of the Church of England; he wished to see their religious ceremonies held, in point of law and practice, as of equal obligation with those of the members of the Church. He believed this Bill would effect that object. Indeed, it appeared to him. that this Bill possessed an advantage over that which he had introduced, because, requiring as it did, that in almost all cases the ceremony should be performed in places of worship, it certainly appeared to give an additional sanction to the contract of marriage. The words proposed by his right hon. Friend were intended with the view, not of wounding the feelings of the Dissenter, and requiring from him any religious test which could be considered as a mark of the slightest inferiority, but to guard against the possibility, in giving relief to the Dissenter, of interfering with the practice of the Church of England, which gave entire satisfaction to its members. As the Bill now stood, the Attorney-General had stated, that it was not the intention to interfere with the rights of the Church of England, and the object of his right hon. Friend's proviso was merely to guard against the embarrassment which might possibly arise in certain cases, the members of the Church remaining precisely as they now stood, bound to conform to rites with respect to which they had expressed no dissatisfaction; that the religious ceremony of the Dissenter should be equally respected, and all should join in discouraging, or at least in not encouraging, exemption from the religious ceremony. He saw no connexion whatever between the amendment of his right hon. Friend and the proviso contained in the 18th Clause, with respect to which the noble Lord had announced his intention to strike it out of the Bill altogether rather than agree, in consistency with the proviso the noble Lord had introduced into the Bill, to the amendment of his right hon. Friend. Now, he did not think there was any occasion for anticipating the dilemma contemplated by the noble Lord. If his right hon. Friend's proposition were negatived, the noble Lord would have an opportunity of fighting manfully in defence of his own proposition, and he hoped the noble Lord would not on that occasion be shamefully deserted by those who sat behind him. But he hoped the disagreeable alternative would not be presented to them, and he ventured to prophecy that the noble Lord would be enabled successfully to resist his right hon. Friend's suggestion, and then to rally round him powerful body in defence of his own proposition. That was his prophecy; but the noble Lord, before committing himself, might at least have waited until the painful dilemma had occurred. In fact, there was no necessary connexion between the two propositions, and there were many persons who might dissent from his right hon. Friend, and still cordially approve of the proposition of the noble Lord. What, he asked, was the proposition of the noble Lord? It stood thus:—We invite you to perform the religious ceremony—we tell you, members of the Church of England, that it is open to you to be married according to the rites of the Church; and with respect to you, Dissenters, we will register your places of worship, and respect your religious ceremony. But there may be a limited class, whose conscientious scruples are so excessively fastidious that no church, no chapel, no Dissenting meeting-houses, no registered place of public worship will please them; and we say to you, you also shall have an opportunity of being married; our wish is to encourage the religious ceremony, but not to enforce it; and therefore all we ask of you is, to say, that you dissent from the Church of England. Anything more reasonable, by way os respect for other men's religious opinions, he could not very well conceive. Could any man deny, taking an enlarged view of society in general—could any man deny that it was for the benefit of the public at large that the marriage contract should be enforced by the religious ceremony, and that the policy of the Legislature should be to encourage it? He, for one, was prepared to give his assent to the proposition of his right hon. Friend; but, at the same time, he did not think that those who objected to it were involved in the slightest contradiction if they still declared their wish to afford some encouragement on the part of the Legislature to the religious contract. This was a matter in which the Church of England had no separate interest. If, therefore, the clause proposed by his right hon. Friend should be rejected, he still hoped, without any reference to party considerations, there would be a prevailing feeling in favour of the very mitigated and qualified enactment of the religious contract afforded by the noble Lord's proviso, superadded to the civil one, so that the noble Lord would be enabled to maintain the clause he had adopted without compulsion on his own deliberate opinion, because the suggestion of his political opponent was founded in truth and justice.

Mr. *Townley* said, that whatever might be the fate of the proposition of the right hon. Gentleman, he hoped the test in the 18th Clause would be excluded, because it was most offensive to those for whose benefit the Bill was said to have been intended. He should certainly oppose that part of the clause in question.

The House divided:—Ayes 68; Noes 132:—Majority 64.

List of the Ayes.

Alsager, Captain
Arbuthnott, hon. Hugh
Ashley, Lord
Bagot, hon. William
Baring, Francis
Bolling, William
Borthwick, Peter
Bramston, Thomas W.
Calcraft, John Hales
Chichester, Arthur
Clerk, Sir G.
Codrington, C. W.
Cole, Lord Viscount
Compton, H. Combe
Duffield, Thomas
Dunbar, George
Egerton, Sir Philip
Egerton, Lord Francis
Estcourt, T.
Estcourt, T.
Finch, George
Follett, Sir William
Forbes, William
Gaskell, Jas. Milnes
Gladstone, Thomas
Gladstone, W. Ewart
Gordon, hon. W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Hale, Robert Blagden
Halford, Henry
Hamilton, Geo. Alex.
Hay, Sir John
Hayes, Sir E. Samuel
Henniker, Lord
Herries, rt. hon. J. C.
Hogg, James Weir
Jackson, Mr. Sergeant
Inglis, Sir Robt. H.
Irton, Samuel
Knight, Henry Gally
Knightley, Sir Charles
Law, hon. C. Ewan
Lincoln, Earl of
Lowther, John Henry
Mahon, Lord Visct.
Norreys, Lord
Packe, Charles Wm.
Palmer, George
Peel, rt. hon. Sir R.
Peel, Edmund
Perceval, Colonel
Pigot, Robert
Praed, W. Mackworth
Price, Richard
Pringle, Aiexander
Rae, rt. hon. Sir W.
Rushbrooke, Colonel
Russell, Charles
Scarlett, hon. Robert
Shaw, rt. hon. Fred.
Sheppard, Thomas
Sibthorpe, Colonel
Trevor, hon. Arthur
Trevor, hon. G. R.
Twiss, Horace
Wilbraham, hon. B.
Wynn, rt. hon. C. W

TELLERS.

Ross, Charles
Goulburn, Sergeant

List of the Noes.

Adam, Sir Charles
Aglionby, Henry A.
Agnew, Sir Andrew
Ainsworth, Peter
Andover, Lord Visct.
Angerstein, John
Bagshaw, John
Baines, Edward
Balfour, Thomas
Bannerman, Alex.
Barnard, Edw. Geo.
Bentinck, Lord Geo.
Bernal, Ralph
Bewes, Thomas
Bish, Thomas
Blake, Martin Joseph
Blamire, William
Bowring, Dr.
Brady, D. Caulfield
Bridgeman, Hewitt
Brocklehurst, John
Brodie, Wm. Bird

Brotherton Joseph
Buller, Edward
Campbell, Sir J.
Cavendish, hon. C.
Cayley, E. Stillingfleet
Chalmers, Patrick
Childers, J. Walbanke
Clive, Edward Bolton
Colborne, N W. Ridley
Collier, John
Cookes, T. Henry
Cowper, hon. W. F.
Crawley, Samuel
Dalmeny, Lord
Dillwyn, L. Weston
Donkin, Sir Rufane
Duncombe, Thomas
Dundas, hon. T.
Ebrington, Lord Visct.
Etwall, Ralph
Euston, Earl of
Ewart, William
Ferguson, R.
Fergusson, rt. hon. R. C.
Fitzroy, Lord Charles
Fitzsimon, Nich.
Folkes, Sir William
Forster, Chas. Smith
Gaskell, Daniel
Gordon, Robert
Grey, Sir George
Hardy, John
Hastie, Archibald
Hawes, Benjamin
Hawkins, J. Heywood
Hay, Sir A. Leith
Hector, Cornth. John
Hobhouse, rt. hon. Sir J.
Hodges, Thos. Law
Hodges, T. Twisden
Horsman, Edward
Howard, Philip H.
Howick, Lord Visct.
Hutt, William
Jephson, Chas, D. O.
Johnstone, J. J. H.
Labouchere, rt. hon. H.
Lennard, T. B.
Lennox, Lord George
Lennox, Lord Arthur
Lister, E. Cunliffe
Lushington, Dr.
M‘Leod, Roderick
M‘Namara, Major
Maher, John
Marjoribanks, Stewart
Marshall, William
Marsland, Henry
Morpeth, Lord Visct.
Morrison, James
Mostyn, hon. Edw.
Mullins, Fred. W.
Murray, rt. hon. J. A.
Nagle, Sir Richard
O'Connell, M. J.
O'Loghlen, Michael
Palmerston, Lord Vis.
Parker, John
Parrott, Jasper
Pattison, James
Pease, Joseph
Pechell, Captain
Pelham, hon. C. And.
Pinney, William
Plumptre, John P.
Potter, Richard
Poyntz, W. Stephen
Rice, rt. hon. T. S.
Rolfe, Sir R. Monsey
Rooper, J. Bonfoy
Rundle, John
Russell, Lord J.
Russell, Lord
Ruthven, Edward
Seymour, Lord
Sheil, R. Lalor
Smith, R. Vernon
Smith, Benjamin
Steuart, Robert
Stewart, P. Maxwell
Stuart, Lord James
Talbot, J. Hyacinth
Talbot, C. R. Mansell
Talfourd, Mr. Serg.
Thomson, rt. hon. C. P.
Thompson, Colonel
Thornely, Thomas
Trelawny, Sir William
Troubridge, Sir E. T.
Tulk, Charles Aug.
Villiers, C. Pelham
Wakley, Thomas
Wallace, Robert
Warburton, Henry
Wason, Rigby
Williams, William
Williams, W. Adams
Wilson, Henry
Winnington, Sir T.
Winnington, H. J.

TELLERS.

Baring, Mr.
Stanley, Mr.

Mr. *Warburton* said, that after the intimation given by the noble Lord, and the decision which the House had come to on the proposition of the right hon. Gentleman, the Member for the University of Cambridge, he should content himself with simply moving the omission of the declaration contained in the 18th Clause.

Lord *John Russell* said, that after the advantage which had been taken of the words of that declaration, and the inferences which had been drawn from its introduction by the hon. Gentleman opposite, he could not but feel that the words were contrary to the general principle of the Bill, and, therefore, not wishing to sanction any deviation from its principle, he thought it would be much better to omit them altogether.

Mr. *Estcourt* thought the clause as it now stood in the Bill ought to remain unaltered.

Sir *Robert Inglis* maintained, that he had not intended to bring any charge of inconsistency against the noble Lord for having introduced into the Bill a proviso contained in the 18th Clause. He only wished to urge the adoption of his right hon. Friend's clause, in order to bring the provisions of the Bill in harmony with each other.

Mr. *Goulburn* was anxious to point the attention of the House to what must be the state of marriages, with respect to the Church of England, if this proviso were adopted. As the Bill at present stood, including this proviso, there was nothing to prevent the son or daughter of any member of the Church of England from contracting the most imprudent marriage, and having it celebrated without any religious ceremony whatever, or in a Dissenting meeting-house. That was an evil. It opened a door within the pale of the Church of England for the contraction of marriages civilly and in a clandestine manner. But if this proviso were removed, they would go a step further, and declare that marriage migh be contracted in contempt of every religious ceremony which heretofore had sanctified it, and in this way any individual who wished to seduce a girl might go with her at once to the superintending registrar, the sanctions hitherto surrounding marriage being entirely dissolved, and marry her in a clandestine manner.

The House divided on the question that the words proposed to be left out stand part of the Bill—Ayes 67; Noes 108:—Majority 41.

Declaration struck out.

List of the Ayes.

Agnew, Sir Andrew
Alsager, Captain
Ashley, Lord
Bagot, hon. William
Balfour, Thomas
Bentinck, Lord G.
Bolling, William
Borthwick, Peter

Bramston, T. William
Calcraft, John Hales
Colborne, N. W. R.
Compton, H. Combe
Dillwyn, L. Weston
Duffield, Thomas
Egerton, Sir Phillip
Egerton, Lord Francis
Estcourt, T.
Estcourt, T.
Finch, George
Forbes, William
Forster, Chas. Smith
Gaskell, Jas. Milnes
Gladstone, Thomas
Gladstone, W. Ewart
Goulburn, rt. hon. H.
Goulburn, Mr. Serg.
Graham, rt. hon. Sir J.
Hale, Robt. Blagden
Halford, Henry
Hamilton, G. Alex.
Hardy, John
Hay, Sir John
Hayes, Sir E. Samuel
Henniker, Lord
Herries, rt. hon. J. C
Hogg, James Weir
Jackson, Mr. Sergeant
Inglis, Sir Robert H.
Johnstone, J. J. H.
Irton, Samuel
Knight, Henry Gally
Knightly, Sir Charles
Law, hon. Chas. Ewan
Lincoln, Earl of
Lowther, John Henry
Mahon, Lord Visct.
Norreys, Lord
Packe, Chas. William
Palmer, George
Peel, rt. hon. Sir R.
Peel, Edmund
Perceval, Colonel
Pigot, Robert
Plumptre, J. P.
Praed, W. Mackworth
Price, Richard
Pringle, Alexander
Rae, rt. hon. Sir W.
Rushbrooke, Colonel
Russell, Charles
Scarlett, hon. Robert
Shaw, rt. hon. Fred.
Sheppard, Thomas
Trevor, hon. Arthur
Trevor, hon. G. Rice
Wilbraham, hon. B.
Wynn, rt. hon. C. W.

TELLERS.

Clerk, Sir George
Ross, Mr.

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Angerstein, J.
Bagshaw, J.
Baines, E.
Barnard, E. G.
Bernal, Ralph
Bewes, J.
Bish, T.
Blake, M. J.
Blamire, W.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, E.
Campbell, Sir J.
Cavendish, hon. C.
Cayley, E. S.
Chalmers, P.
Childers, J. W.
Clive, E. B.
Collier, J.
Cowper, hon. W.
Crawley, S.
Dalmeny, Lord
Donkin, Sir R.
Duncombe, T.
Dundas, hon. T.
Ebrington, Lord
Etwall, R.
Ewart, W.
Ferguson, R.
Fitzroy, Lord C.
Fitzsimon, N.
Folkes, Sir William
Gaskell, D.
Gordon, R.
Grattan, H.
Hastie, A.
Hawes, B.
Hector, C. J.
Hobhouse, rt. hn. Sir J
Hodges, T. L.
Horsman, E.
Howard, P. H.
Hutt, W.
Labouchere, rt. hn. H.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord Arthur
Lister, E. C.
Lushington, Dr.
M'Leod, R.
M'Namara, Major
Maher, J.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Morpeth, Lord
Mostyn, hon. E.
Mullins, F. W.
Murray, rt. hon J. A.
Nagle, Sir R.
O'Connell, M. J.
O'Loghlen, M.
Palmerston, Lord
Parker, J.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pelham, hon. C. A.
Potter, R.
Poyntz, W. Stephen
Rolfe, Sir R. M.
Rooper, J. B.
Rundle, J.
Russell, Lord
Ruthven, E.
Seymour, Lord
Sheil, R. L.
Smith, R. V.
Smith, B.
Steuart, R.
Stewart, P. M.
Stuart, Lord J.
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Sergeant
Thomson, rt. hn. C. P.
Thompson, Colonel
Thornely, T.
Trelawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Wason, R.
Williams W.
Williams, W. A.
Wilson, H.
Winnington, Sir T.
Winnington, H. J.

TELLERS.

Hay, Sir And. Leith
Stanley, E. J.

On the question that the Bill do pass,

Sir *Andrew Agnew* rose to ask the hon. Member for Leeds, if his present vote were consistent with his speech on the occasion when the right hon. Baronet, the Member for Tamworth, introduced his bill to the House, which bill the hon. Member approved of.

Mr. *Baines* said, it was consistent. He had approved of the bill of the right hon. Baronet, but he had stated at the time that he should have liked it better if it caused the civil contracts to be accompanied with a religious ceremony. He now supported the Bill of the noble Lord, because he thought it went farther towards the attainment of his wish in that respect, than the measure of the right hon. Baronet —[an *Hon. Member*, "Not by law."] No not by law, but he was so certain, that the civil contract would be seldom unaccompanied by a religious ceremony that he felt satisfied.

Sir *Robert Peel:* It was just the kind of Bill which was at total variance with the course pursued by the hon. Gentleman last year. The objection of the hon. Gentleman to the bill which he then introduced was, that it did not impose on Dissenters the necessity of a religious ceremony. ["*No, no,*" *from Mr. Baines.*] He would read to the House the hon. Gentleman's speech made upon that occasion.—

"Mr. Baines wished to unite his tribute of acknowledgement to the right hon. Baronet at the head of his Majesty's Government, for the friendly spirit towards the Protestant Dissenters in which this measure was conceived, and for the clear and satisfactory manner in which he had conveyed his sentiments to the House. He did not think that there would be felt amongst the Protestant Dissenters any objection to the bill, as far as related to constituting marriage a civil contract, or to the registration of their marriages through the medium of the magistrates; but there might be objections to some of the details; though those he hoped might, without much difficulty, be removed. He was afraid that there might be a jealousy created throughout the community, by requiring that the marriages of some should be celebrated by a religious ratification, whereas with others that it should be only a civil contract. To give the greater solemnity to marriage in all cases, he thought that some religious service ought to be ingrafted upon the civil contract, and that the service should be performed by the minister of the religious body to whom the parties were attached."*

Did he propose that? He did not go that length. All he asked was, if the party should object to the religious rite, they should precede their entering on the contract by stating that they did so object. That was all. The hon. Gentleman thought they ought to have had by law a religious contract superadded to the ceremony. His words were—" To give the greater solemnity to marriage in all cases, he thought that some religious service ought to be ingrafted upon the civil contract, and that the service should be performed by the minister of the religious body, to whom parties were attached." By his Bill, he left the parties at full liberty to take that course. It was left altogether voluntary, He must say, as the Bill now stood, it did a positive injustice to the members of the Church of England. He was desirous throughout to give full satisfaction, and afford not only a full remedy for every grievance, but believing that no remedy would be effectual unless it consulted the fastidious feelings of Dissenters, he was desirous of seeing them fully respected. But the Bill had now assumed quite a different aspect, and while it provided for the relief of the Dissenter, passed a gratuitous and most intolerable insult on the feelings and principles of the members of the Church of England. The noble Lord had, out of his own good feeling, introduced this clause under the impression that it would be more comfortable to the feelings of the religious part of the community, both of the Church of England and the Dissenters; he had now, at the instigation of those behind him, abandoned it. He was satisfied that the course which the noble Lord had pursued was without precedent on the part of one who attempted to be the leader of that House.

Mr. *Baines* said, that he had not suggested that there should be a legal obligation. The word " law" was not introduced into the Bill. He had expressed, and still felt, an anxiety that the marriage rite should be attended, and he believed that, under the provisions of this Bill, it would be attended in almost every case, with a religious ceremony. That feeling he entertained then, and that feeling he entertained now. He should not have thought so humble an individual as himself entitled to obtrude his opinions on the House, had they not been brought so prominently forward. With respect to the Bill now passed, he would say it was a Bill calculated to give content and satisfaction to a body of persons who had at all times been anxious to enjoy the privileges to which they were entitled, but it deprived the members of the Established Church of no privilege which they now possessed. Did hon. Members mean to deny that? Would not members of the Established Church be at liberty to go to Church to have their marriage solemnized as before? The noble Lord was much more able to defend his own conduct than he was, and, therefore, he (Mr. Baines) would not trouble the House by attempting it.

Mr. *Arthur Trevor* wished to ask the hon. Member for Leeds, if, in sober earnestness, he conceived that no wrong was done to the members of the Established Church by allowing their sons and daughters to marry by mere civil contract—that was to say, to allow the son of any gentleman in England to marry the housemaid by civil contract?

Mr. *Baines* replied, that if the son of a gentleman chose to marry the housemaid, he was at quite as much liberty to do so in the Church as in any other place.

Mr. *Handley* observed, that the hon. Member for Leeds had held himself out as the representative of the Dissenters. He was surprised, indeed, that the organ of a body to which he knew that many conscientious and religious men belonged, should stand up in his place the advocate of a measure which would enable not only the sons of members of the Established

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*ısard (Third Series) vol. xxvi. p. 1097.

Church, but the sons and daughters of Dissenters, to leave their places of worship in order to contract a clandestine marriage, and go to the office of a registrar, they being presumed to have some religious impressions from having attended a place of worship all their lives, and yet the registrar not being permitted to ask them why they came there, and what objection they had to be married in a place of worship belonging to their own religious body.

Dr. *Bowring* thought, that the Dissenters would feel deeply grateful to the noble Lord for his conduct to-night.

The Earl of *Lincoln* said, that however grateful the Dissenters might be to the noble Lord, he was quite sure that the members of the Church of England would feel anything but grateful. Agreeing with his right hon. Friend below him in the exposition he had made of the consequences of the omission of these words—looking to the most extraordinary and unprecedented conduct of the noble Lord, the Secretary of State, which he would take the liberty of saying was unworthy of a Member of the Government, or of a Member of that House—after his desertion of a clause which he had himself, on his own responsibility, introduced; and after this violation of the principles which he had himself professed with reference to this Bill, he should feel that he was wanting both to his own principles, and to those of the Established Church, if he did not move that the passing of this Bill be postponed to this day six months. He agreed with the principle of the Bill as originally introduced; but he thought, that by the omission of the words in question, the Church of England was placed in the situation of an inferior, and he must therefore press his motion.

Lord *John Russell* said, that the noble Lord having been pleased to cast a censure on his conduct, he really thought himself obliged to remind the noble Lord of what he seemed to have wholly forgotten—namely, that the Bill which he now proposed to be passed, was in the same shape and on the same principle as the Bill as originally brought in. If he had introduced such a proviso as that which was just left out—if he had laid much stress on it, and said that he thought it was a necessary part of the Bill, then perhaps the noble Lord might have been justified, in that state of the facts, in using the terms which he had employed. But the noble Lord had supposed that to be a fact which was not so. He having introduced the Bill in the same form in which he now proposed that it should pass, a discussion arose in Committee, in the course of which it was suggested that this Bill might be offensive to the members of the Church of England, and a course was proposed by which this objection might be in a great degree obviated. In compliance with this suggestion, although it made no part of his original proposal, and though he would have been well content to go on with the Bill without such an alteration, he introduced a proviso to obviate the objection he had mentioned. Far from realizing his expectations, however, the result had been directly contrary to what he anticipated, since, instead of obviating objections, instead of conciliating those who had hitherto declared themselves the opponents of the Bill, it was declared that if that proviso were introduced, a further proviso was necessary, and one which put an end entirely to the efficiency of the Bill. When he found himself thus disappointed in the effect which he wished to produce, when he found that the proviso was objected to by many of his own Friends, objected to by many Protestant Dissenters, as being, in their opinion, contrary to that religious freedom, of which he and they had ever been the steady supporters—was he, then, to maintain it in the Bill, not to conciliate those who had declared that they were not conciliated by it, and who appeared to make it a mere groundwork for destroying and vitiating the Bill? He did not consider himself in the least bound, however reasonable he might think the proviso in itself, to adhere to it, and he had therefore determined on restoring the Bill to the shape in which it originally stood. If he was justified in proposing the Bill to the House in that shape, and in stating that these were the principles on which he wished to found it, he was equally justified now, at the last moment, in supporting it on the same principles, and with the same provisions which it at first contained.

Mr. *Estcourt* thought that the Bill imposed great hardships on the members of the Established Church. He thanked his noble Friend for making the proposition which he had offered to the House.

The House divided on the original question; Ayes 104; Noes 54: Majority 50.

List of the Ayes.

Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Angerstein, J.
Bagshaw, J.
Baines, E.
Baring, F. T.
Baring, E. G.
Bentinck, Lord G.
Bernal, Ralph
Bewes, T.
Bish, T.
Blake, M. J.
Blamire, W.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, E.
Cayley, E.
Chalmers, P.
Childers, J. W.
Collier, John
Crawley, S.
Dalmeny, Lord
Dillwyn, L. W.
Donkin, Sir R.
Duncombe, T.
Ebrington, Lord Vis.
Etwall, Ralph
Ewart, W.
Ferguson, Rob.
Fitzroy, Lord Chas.
Fitzsimon, N.
Folkes, Sir W.
Forster, Charles S.
Gordon, R.
Grattan, H.
Grey, Sir G.
Hastie, Archibald
Hawes, B.
Hector, C. J.
Hobhouse,rt.hon.SirJ.
Hodges, T. L.
Horsman, E.
Howard, Philip H.
Hutt, William
Labouchere, rt. hon. H.
Lennard, T. B.
Lennox, Lord George
Lennox, Lord A.
Lister, E. C.
Lushington, Dr.
M'Leod, Roderick
M'Namara, Major
Maher, John
Marjoribanks, S.
Marshall, William
Marsland, H.
Mostyn, hon. E.
Mullins, F. W.
Murray, rt. hon. J. A.
Nagle, Sir Richard
O'Connell, M. J.
Palmerston, Lord Vist.
Parker, John
Parrot, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pelham, hon. C. A.
Potter, R.
Rice, rt. hon. T. S.
Rolfe, Sir R. Monsey
Rooper, John Bonfoy
Rundle, J.
Russell, Lord J.
Ruthven, Edw.
Seymour, Lord
Sheil, R. L.
Smith, R. V.
Smith, Benj.
Saanley, Edward
Stewart, P. M.
Stuart, Lord J.
Talbot, C. R. M.
Talbot, J. Hyacinth
Talfourd, Mr. Serg.
Thomson,rt. hon. C. P.
Thompson, Colonel
Thornely, T.
Troubridge, Sir E. T.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Wallace, Robert
Warburton, H.
Wason, Rigby
Williams, Wm.
Williams, W. A.
Wilson, Henry
Winnington, H. J.

TELLERS.

Steuart, Robert
Hay, Sir A. L.

List of the Noes.

Agnew, Sir Andrew
Alsager, Captain
Ashley, Lord
Bagot, hon. W.
Balfour, T.
Bolling, William
Borthwick, Peter
Bramston, T. W.
Calcraft, J. H.
Clerk, Sir G.
Compton, H. Combe
Duffield, T.
Egerton, Sir P.
Estcourt, T.
Finch, George
Forbes, William
Gaskell, J. Milnes
Gladstone, Thomas
Gladstone, W. E.
Goulburn, rt. hon. H.
Goulburn, Mr. Serg.
Graham, rt. hon. Sir J.
Hale, R. Blagden
Halford, H.
Hamilton, G. A.
Hayes, Sir E. S., bart.
Henniker, Lord
Hogg, James Weir
Jackson, Sergeant
Inglis, Sir R. H., bart.
Irton, Samuel
Knight, H. G.
Law, hon. C. E.
Lowther, J. Hen.
Mahon, Lord
Packe, C. W.
Palmer, George
Peel, Sir Robert, bart.
Peel, Edm.
Perceval, Col.
Plumptre, J. P.
Praed, W. M.
Price, Richard
Pringle, A.
Rae, Sir William, bt.
Ross, Charles
Rushbrook, Colonel
Scarlett, hon. R.
Shaw, rt. hon. F.
Sheppard, T.
Sibthorpe, Colonel
Trevor, hon. Arthur
Wilbraham, hon. B.
Wynn, rt. hon. C. W.

TELLERS.

Lincoln, Earl of
Estcourt, Thos.

Bill passed.

HOUSE OF COMMONS,

Wednesday, June 29, 1836.

Minutes.] Bills. Read a third time: Judges' Chambers Bill; Ottoman Dominions' Consuls.—Read a first time:—Court of Session Audit (Scotland) Bill; Sheriffs' Courts (Scotland); Heirs of Entail (Scotland) Bill.

Petitions presented. By several Hon. Members, from various Places, against Factories' Act Amendment Bill.—By Mr. Cutlar Fergusson and Mr. Gillon, from Lanark and Castle Douglas, for Alteration of Municipal Corporations' (Scotland) Bill.—By Mr. Gillon, from Kirkintilloch, praying the House to reject any Application for New Endowments.—By several Hon. Members, from various Places, for Abolition of Church Rates.—By several Hon. Members, from various Places, against allowing Grocers to sell Spirits.—By several Hon. Members, from various Places, that the House will Adhere to the Provisions of the Municipal Corporation Reform Bill as originally passed by them.—By Mr. Townley, from Tavistock, against Tithe Commutation Bill; and from Royston, for Revision of Criminal Laws.—By Mr. Townley and another Hon. Member, from Whittlesea and Cambridge, for placing County Rates in the hands of Deputies.—By Mr. Tennyson D'Eyncourt, from Lambeth, that in case of summary Conviction before a Magistrate, the Evidence thereon given should be uniformly set forth in the Record.—By several Hon. Members, from various Places, for Abolition of Tithes (Ireland).—By Sir John Owen, from several Places, for Repeal of Duty on Marine Insurances.—By several Hon. Members, from various Places, for Lords' Day Bill.—By Mr. Plumptre and Sir John Owen, from various Places, against Turnpike Trusts' Consolidation Bill.—By Mr. Lambton, from Sunderland, for Removal of Jewish Disabilities.—By Mr. Stewart Mackenzie, from Laurencekirk, for Alteration of Burghs' Barony (Scotland) Bill.—By Sir R. Musgrave, from Waterford, for Revision of Grand Jury Taxation (Ireland).—By several Hon. Members, from varoius Places, for the Joint-Stock Bank Committee to require from Private Banks an Account of their Liabilities and Assets.

Church Rates.] Mr. *Tennyson D'Eyncourt* said, he had two petitions to present from St. Mary's, Newington, complaining of Church-rates. It appeared from the statement of the petitioners, that sixteen years ago an Act was passed for building two new churches in that parish, and they complained of the heavy expense that had been thereby incurred, and of the heavy amount of rate that had been imposed on the parish to meet that expense. The petition was signed by 3,000 persons. It was held out at the time the Act passed, that only 10,000*l.* would be charged on the parish, and that the remainder of the expense would be supplied by the Commissioners for building new churches. Since the Act was passed 34,000*l.* had been levied off the parish in the shape of Church-rates, for building and furnishing these two churches. The trustees were in debt, besides, 20,000*l.* and the Church Commissioners had paid 16,000*l.*, making altogether 70,000*l.* for the building and outfit of these churches. So that, after deducting what had been paid by the Church Commissioners, an expense of 40,000*l.* had been incurred over and above what the inhabitants of the parish could be justly called upon to pay. At present, the maintenance of these churches cost the parish 1,000*l.* a-year. He apprehended that there had been a misappropriation of the trust money on the part of the trustees. The only remedy the Act gave was an appeal to the Quarter Sessions, and that was no remedy at all. There was no knowing to what an extent this expenditure might go, if Parliament did not interfere. The trustees were self-elected, and they considered themselves irresponsible. Great distress had been occasioned in the parish by the heaviness of the rates, and no less than 2,000 distress warrants had been issued to enforce them. The affair had created in the parish such an alienation from the Church of England, that last week at a vestry, when there were 800 present, they came to a resolution not to pay any more Church-rates. In this parish, with a population of 50,000, there were not less than 30,000 Dissenters. The petitioners prayed for redress, and that the trustees should be made elective by, and responsible to, the parish.

Mr. *Hawes* rose to confirm the statement of his hon. Colleague. It was their intention, whenever the question of Church-rate was before the House, to bring this special case under its consideration.

Mr. *Williams Wynn* apprehended that, if the parish had anything to complain of, it could obtain redress by an application to the King's Bench.

Mr. *Tennyson D'Eyncourt* said, the Act gave only the power of appeal to the Quarter Sessions.

Mr. *Wilks* said, that many similar local Bills had been passed, of which the same complaint was now to be made. Ten times the amount of money contemplated by such Acts had been afterwards levied on the parishes, and they had no remedy but that most inefficient one—of an appeal to the Quarter Sessions.

Petitions to lie on the Table.

CASE OF DR. MULHOLLAND.] Mr. Sergeant *Jackson* rose to present a petition with which he had been intrusted from the Rev. Mr. Mulholland, a Roman Catholic clergyman in Ireland, who prayed the House to adopt some legislative enactment to cause the canon law of the Church of Rome to be fairly observed in Ireland. He hoped that the House would allow him to lay before it the statement contained in the petition, which he was the more anxious to do with as much accuracy as he could, as he differed in religious opinion from the rev. Gentleman from whom the petition emanated. The petitioner, after stating that a serious injury had been inflicted on him, in consequence of his having availed himself of a court of common law to obtain redress for an attack on his character, proceeded to state, that he was educated in the college of Maynooth, where he was ordained in 1815, that he afterwards went to Rome, where he studied for eight years, and made very creditable progress in his divinity studies, and that he returned to Ireland in 1826, when he was appointed by the Roman Catholic titular Bishop of Armagh to the parish of Termonfechin, in the county of Louth. He stated that that parish was in the nature of what was called, in the Protestant Church, a perpetual curacy, and that he had the same right to it that a clergyman had to his parish. He stated, that in the year 1833 there were disturbances in the county of Louth, and that a brother clergyman accused the petitioner of being an encourager of them. He stated, that his character was injured to such an extent by the accusation, that he felt it necessary to appeal to a court of law for redress. He did not do so, however, without having first applied to the Catholic Primate for that redress. Having waited six months, and having received no answer to his application to that quarter, he brought an action in the Court of Common Pleas, Dublin, where he got a verdict, and recovered damages, certainly to a small amount—namely, one farthing. In consequence of his having appealed to the laws of his country in this way, most unwarrantable proceedings had been adopted towards him. He states, that in the first place he was, on the 6th November, 1833, suspended by Dr. Kelly, who had, only four days previous to that date, declared that Dr. Mulholland was good-hearted, pious, and learned. The petitioner then submitted in person his case to the congregation for the propagation of the faith at Rome; and the letters which be received directed that he should be re-instated. He was not, however, re-instated.

Mr. *Williams Wynn* rose to order. He had, yesterday, protested against the useless and most inconvenient practice of entertaining petitions with respect to which the House could neither investigate the alleged grounds of complaint, nor afford any practical relief. In the present instance, the petitioner complained, that he had been deprived of the income of his living, arising, as it appeared, out of funds which had not been provided by the state, over which, therefore, the Legislature could have no control; and that a titular archbishop of Ireland had not duly attended to letters from Rome. It was impossible for the House to receive such a petition; if they did, it would, of course, be necessary that hon. Gentlemen opposite should be allowed to make a counter-statement, although the House could pronounce no opinion whatever on the subject. He hoped his hon. and learned Friend would not lend the sanction of his example to a practice like this, which must be attended with the greatest possible inconvenience to the public business.

Mr. Sergeant *Jackson* was glad upon all occasions to have the benefit of the right hon. Gentleman's experience respecting the laws and usages of that House; but he must take the liberty of submitting, that the present case differed essentially from that which was under consideration yesterday. The complaint in the latter instance was made to the House, the ordinary tribunals of the country where it should have been adjudicated having been passed over; but in this instance those tribunals could take no cognizance of the matter; and if the House did not interfere, no relief whatever could be administered. [Mr. *O'Connell:* What is the prayer?] He would read the prayer of the petition, if the House would give him leave. This was the prayer:—" Under these circumstances your petitioner most humbly submits that it may seem good to your hon. House, and to the Legislature, that some order be taken, either by a declaratory or an enacting law, to provide that the canon law of the Church of Rome be fairly observed as between the several orders of the clergy of that Church, and in so far as shall be compatible with the laws of the country. And your petitioner will ever pray." Here, then, was a man who declared that having by the law of his Church a goo right to the income arising from his living in the parish, he had been most unjustly deprived of it, merely for having appealed to the laws of his country on the subject of a civil injury which he had received. Would the House refuse in such a case—

Mr. *Roebuck* rose to order. He did not see how the House could recognize the canon law of Rome, or take any means to compel others to conform to it.

Mr. *Scarlett* submitted that the House of Commons was the proper place for taking such a petition into consideration, and if the law did not hold out any remedy for the grievance complained of, it was their duty to adopt the best means of providing a satisfactory one. He could see no objection in point of order to the reception of the petition, and investigating the cause of complaint; even although the individual appealing to the House were a Roman Catholic priest.

The *Speaker*: It appears to me quite evident that the petition which has been brought forward by the hon. and learned Gentleman, has reference to a matter upon which this House can afford no redress to the party who complains of having been aggrieved; and if the House should think fit to sanction its reception, I cannot have any hesitation in declaring that the House will, in so doing, introduce a most inconvenient practice.

Colonel *Perceval* did not presume in any way to question the authority of the Chair, but a petition of a mnch less important character, and not at all within the jurisdiction of the House, having been received last night, he did wish to press upon the hon. Members opposite the necessity of abstaining from making that the arena for uttering calumnies against others who could never, perhaps, afterwards disabuse the public mind of the unfounded charges which had been circulated against them. He could not but express himself highly gratified that this particular case had at length directed general and serious attention to the acts of oppression and despotism practised in Ireland towards the inferior Roman Catholic clergy who refused to become the agents of political agitation for party purposes.

Mr. Sergeant *Jackson* would not say one word more on the subject, if in the opinion of the House he was out of order; but if he were not actually transgressing the rules and regulations of the House, he hoped they would allow him, as an act of favour and indulgence, to state briefly the circumstances of this gentleman's complaint. It should be recollected that there was something very extraordinary in the features of the case. He could have no personal or party motive in view; his religious opinions were altogether different from those entertained by the petitioner; and the fact was, although it might appear singular to some unacquainted with the state of matters in Ireland, the petitioner had applied to two hon. and learned Gentlemen, both Members of that House, to present the petition, but was told by one that he would be denounced if he dared to do so, and was recommended by the other implicitly to submit without remonstrance to his ecclesiastical superiors, for the House could afford him no relief whatever. He spoke with great deference, but the petition was most respectfully worded: in his opinion it was quite competent for the House to entertain it.

The *Speaker*: I have merely to offer this suggestion to the consideration of all hon. Members. I have always understood that when any hon. Member presented a petition to the House, he first made himself responsible to the House that it contained no improper language, or such as ought not to be addressed to the House of Commons; and secondly, that he was supposed to exercise a becoming discretion as to the possibility or propriety of Parliament granting any relief in the matter. I am sure I need not indicate to the House the great inconvenience which must result from hon. Members pursuing a contrary practice, both in reference to the dignity of the proceedings of the House, and the progress of public business.

Mr. Sergeant *Jackson* had carefully perused the petition, and he could confidently state that, from the beginning to the end of it, there occurred no improper expression whatever towards that House. It was throughout most respectful in its language. In that respect he trusted he should be considered as having done his duty; and, as to the second point, he must be allowed to observe, that a petition precisely similar to this had been presented and received in the other House without the slightest objection. He hoped that would be sufficient to explain and vindicate the course he had pursued. He felt on all occasions the utmost pleasure in presenting the petitions of those who had grievances to complain of, provided they were respectfully worded, and not inconsistent with the rules of Parliament. He trusted, therefore, he should still be allowed in this case—

The *Speaker*: Order! Order! I can have no personal feeling in this matter; and having already stated what I conceive to be the general rule of the House, and which public convenience requires should be closely adhered to, I must leave the hon. and learned Gentleman to the exercise of his own discretion, as to the propriety of proceeding further in this matter.

Mr. Sergeant *Jackson* said, he had merely stated the whole material facts of the case. The petitioner complained that he had been deprived of all means of subsistence by his spiritual superiors, for no other offence than that he had brought an action in the Court of Common Pleas in Ireland, to vindicate his character from certain slanders which had been propagated against him. He had applied again and again to his ecclesiastical superiors for redress, but without any chance of obtaining it; and if the House did not interpose he must be left pennyless. Under these circumstances he should move that the petition be brought up.

Mr. *Williams Wynn* contended hat the House could take no cognizance of the matter. The Church of Rome must be considered in Ireland as a voluntary association, and the State had no control whatever over the funds attached to its livings. No relief, therefore, could be administered in such a case. If the clergy of the Roman Catholic Church had been provided for by the State, the House might have had some jurisdiction; but that not being the case, it was impossible for the House to entertain the petition.

The *Attorney-General* was disposed to receive the petition, because, however absurd it might be, it prayed that the law should be altered, and in that view it certainly came within the jurisdiction of the House. He had no doubt if a Bill were introduced for the purpose of making the canon law of Rome the law of this country, the unanimous opinion of the nation would be found to be against it. However, absurd, the prayer being practicable, the petition should be received.

Mr. *Henry Gratlan* denied that any hon. Member could be denounced in Ireland for discharging his duties in that House. With respect to the merits of this petition, he assured hon. Members opposite, that a decided case had been made out against this unfortunate, but ill-advised gentleman.

Mr. Sergeant *Jackson,* having been directly appealed to, had no hesitation in declaring that he had the express authority of Dr. Mulholland for the statement he had made, that in the conversation between him and the hon. and learned Member for Tipperary (Mr. Sheil), at his own house, in Mount-street, on the 12th of May last, that hon. and learned Gentleman, on being requested to present the petition, said "No, no; I cannot, I shall be denounced, and so will you, Dr. Mulholland, if we proceed." The other hon. and learned Gentleman to whom he alluded was the Member for Dublin, now for Kilkenny, who told Dr. Mulholland there was nothing for him but an unqualified submission to his spiritual superior.

Mr. *Sharman Crawford* said, he had received a statement from the rev. Dr. Crolly, in which he denied all the allegations of the petition.

Mr. *Scarlett* hoped, that the Roman Catholic priesthood would not for ever remain alien to the law. It was impossible the Roman Catholic religion should continue to be propagated without the pale of the law. A majority of those who professed it felt, he believed. well affected to the state; a very large body of the priests, as he was informed, who refused to countenance agitation, were persecuted and oppressed, as the petitioner in the present instance had undoubtedly been, If the House on inquiry should find such to be the case, it would become the duty of the Legislature to consider what means could be adopted best calculated to cure the evil.

Mr. *O'Connell* had no wish to conceal from the House that he had recommended Dr. Mulholland to submit to his spiritual superiors, because in fact, no relief could otherwise be afforded him. The petition was an absurdity on the face of it; and an opportunity of presenting it was only required, in order that statements might be made towards his superiors, which they denied, and said they were wholly destitute of truth. He thought that Dr. Mulholland had already given scandal enough, and therefore he recommended that gentleman not to press the matter further. He had no remedy, and, in his opinion, he ought to have none. If he preferred a church supported by the State, he might leave the Catholic Church—he was in a fair way for it. The Catholics did not want him to remain with them, if he went into a church supported and regulated by the law—if he left that church for which the law did nothing, and which was only the better supported on that very account, and if he attached himself to the law church, to which the law assigned emoluments, he might have his legal remedy, but while he continued connected with the Church of Rome, he had no such resort. In his (Mr. O'Connell's) opinion, Dr. Crolly had conducted himself in the kindest and most humane manner towards the petitioner, and had recommended him to three curacies, but none of them would have him.

Mr. *Bellew* maintained that the charges in the petition were without foundation, and read an extract from the printed resolutions passed at a meeting of the Roman Catholic clergy of the diocese, complimenting Dr. Kelly for having dismissed the petitioner. From the discussion which had taken place elsewhere upon this subject, the Roman Catholic clergy had more reason than ever to congratulate themselves that they had no connexion whatever with the Sate; otherwise they would see their independence completely destroyed. He trusted that they would for ever remain separated from the State.

Petition to lie on the table.

OFFICERS OF THE HOUSE.] Mr. *Hume* moved Resolutions for carrying into effect the recommendations of the Committee, whose anxious desire had been to do all in their power to render justice to every individual. The following Resolutions were then agreed to:—

> "That this House agree with the recommendations of the Select Committee, that the annual sum of 911*l.* be allowed to Mr. John Pratt, the head doorkeeper, during the time he shall continue to perform the duties of his office, in lieu of all salary, fees, gratuities, and emoluments whatsoever.

"That the annual sum of 874*l.* be allowed to Mr. F. Williams, the under door-keeper, during the time he shall continue to perform the duties of his office, in lieu of all salary, fees, gratuities, and emoluments whatsoever.

"That the annual salary of each of the door-keepers, after Mr. Pratt and Mr. Williams shall retire, be 400*l.*, in lieu of all fees, gratuities, and emoluments whatoever."

The other resolutions to the 13th, inclusive, were then agreed to.

On the 14th Resolution being proposed, "That the recommendation of the Committee as to the future establishment of the Members' waiting-room, be approved,"

Mr. *Wigney* said, that he thought that in comparison with the salaries provided for some of the officers of the House, and which he did not consider too much, the allowance of one individual who had very arduous duties to perform was exceedingly disproportionate. He alluded to the individual who attended in the Members' lower waiting-room. At present the income of that individual amounted to upwards of 600*l.* per annum; from guinea fees alone he received 560*l.*, but of this he paid 200*l.* per annum, and he had also to pay an assistant and porter. That individual had filled that situation for fifteen years, which included seventeen Sessions, and during that time he had never been absent from his post a single day. His room was opened at eleven in the morning, and he remained there until the House rose at night, and more need not be said to show the arduous nature of the duties he had to perform. The hon. Member concluded by proposing as an amendment, "That the salary of Thomas Collett be 400*l.* a-year, instead of 200*l.* a-year, as recommended by the Committee."

Mr. *Hume* said, it was difficult for the Committee to satisfy all parties. However, if the hon. Member had attended to the proceedings of the Committee he would find that this individual had no reason to complain. He had been examined before the Committee of 1833, and he stated, that he was not on the establishment, but that he had been put into his situation by Mrs. Rawlinson, with the permission of Mr. Seymour. That his whole receipts did not exceed above 425*l.* a-year, out of which he paid to Mrs. Rawlinson 300*l.* a-year, so that the amount he received himself did not exceed 125*l.* a-year. The Committee thought that, on the whole, they had dealt liberally with him, for, instead of holding his situation at the will of Mrs. Rawlinson, he now held his appointment from the House, and had the chance hereafter of being promoted to a higher salary. He (Mr. Hume) had no doubt that if Mr. Collet chose to retire tomorrow the Serjeant-at-Arms would get as good a man to perform the duties for 100*l.* a-year.

Mr. *Wigney* said, that in the amendment he had proposed he had no intention to cast any imputation on the Committee. If the sense of the House was against him he would not press his motion.

Amendment withdrawn.

Mr. *Estcourt* moved, "That the annual sum of 778*l.* be allowed to Mr. John Bellamy, the deputy house-keeper, during the time he shall continue to perform the duties of his office, in lieu of all salary, fees, gratuities, and emoluments, whatsoever; and that the annual sum of 300*l.* be allowed to him for the servants requisite to keep the House, the Committee, and other rooms, passages, &c., clean."

Mr. *Hume* said, the resolutions of the Select Committee were in his opinion the best rule for the guidance of the House. It lay, however, with the House to adopt or depart from them, and to say, whether one rule should be laid down for the remuneration of the housekeeper and another for the messengers.

Sir *James Graham* thought it right to abide by the resolutions of the Committee, and suggested that the salaries, when fixed should commence on the 1st of January.

Amendment withdrawn. Resolutions of the Committee agreed to.

SALE OF SPIRITUOUS LIQUORS.] Mr. *Gillon* in moving that the Speaker do leave the Chair, and the House go into Committee upon the Sale of Spirituous Liquors' Bill, stated it to be his wish, that the law should be carried into operation as to spirits sold on the premises.

Sir *George Clerk* considered that the present Bill would only have the effect of inducing persons to spend more money in the purchase of spirits than at the time of using them they were able to pay for. The supporters of this Bill had, in his opinion, made out no case for the alteration. He moved as an amendment, that the Bill be committed that day six months.

Mr. *Buckingham* felt great pleasure in seconding that motion. If they legislated at all, let them do this at least, to make it more difficult for men to get intoxicated, and not to increase the facilities for doing so.

Mr. *Hume* thought it was vain for men to suppose that they could keep persons sober by means of legislation.

Mr. *Pease* regarded this as a Bill to enable fraudulent publicans to take advantage of intoxicated customers, to the utter ruin of the families of the latter.

Mr. *Gillon* was disposed to adopt an amendment, which would exempt from the operation of the Bill, all liquors drunk upon the premises.

The *Lord Advocate* was in favour of the Bill going into Committee, in order that it might then receive such alterations as would be considered desirable. He was most willing to admit the inefficacy of the law on this subject, both in this country and in Scotland.

Mr. *Goulburn* did not consider that an alteration as to the consumption of spirits upon the premises, and giving a liberty upon that subject, was at all an improvement in the existing law. The question was, whether, by sanctioning this Bill, they would afford a temptation to the poor man to ruin his family?

Mr. *Wakley* stated, that no application had been made to him from a single publican to support this Bill. If they had the means of preventing the use of spirituous liquors, they certainly should not relax those means, particularly when they saw the pernicious consequences of the use of those liquors. As to liquors not being drunk upon the premises, as proposed by his hon. Friend, it was, in his opinion, anything but an improvement; as, instead of the man consuming the stuff himself, he would infuse the poison amongst the families of cottagers.

Mr. *Potter* observed, that whenever the people attempted to amuse themselves, they were interfered with, and their only resource, therefore, was going to the gin shop.

Colonel *Thompson* desired to state, as a contrast to the experience of the Member for Finsbury, that he had presented a petition, numerously signed, from publicans, praying for the removal of the present law. He should be glad to accede to the wishes of Gentlemen opposite, if he thought they intended there should be an equality in the legislation for different classes of society. The rich, surely did not mean to say they had any exclusive claim to lecture the poor upon sobriety. For his own part, he would take an assembly of rich men, chosen by any test or qualification that might be fixed upon, and he would venture to say, there would be found among them more instances of disgraceful disorder from excessive use of strong liquors, whether drunk upon the premises or not, he did not feel competent to say, than in any assembly of operatives he ever attended in his life. If hon. Gentlemen doubted this, he would invite them to accompany him to an assembly of operatives, and see. If hon. Gentlemen desired it, he would in six weeks produce a committee of operatives, class-leaders among the people called Methodists, if that would be a recommendation, who should take charge of all that hon. Gentlemen should drink, determine when they should pay their wine bills, and put a stop to the complaints of those desolate ladies and forsaken children who were sorrowing at home, while the Gentleman was indulging at a fashionable tavern. But would the rich submit to this; if not, why did they impose it on the poor? He could point out much better ways of promoting sobriety among the poor, than legislating for their drink. Allow them to get knowledge; take off the taxes upon their press; remove the imposts which prevented any man of the richer classes, who desired to improve them, from reaching or getting at them;—he was rather sore upon this subject, because, as was well known, he had the prospect of a red cap and prison dress;—but do this, and there would be effected what would never be reached by regulating drinks. There should be some fairness upon these points; and if the rich refused to deal fairly with the poor now, they would be obliged to do it in that state of things to which the world was tending.

Sir *Robert Bateson* did not know what company the hon. Member for Hull kept, but in the company he kept, he never saw any instances of the intoxication spoken of by that hon. Member.

Mr. *Brotherton* supported the amendment. The hon. Member for Hull had himself shown, that education could not prevent drunkenness. He thought the House should not remove any of the restraints upon it. The law, perhaps, could not make men sober, nor honest either, but if they wished to preserve the fruit in a garden untouched by thieves; the worst thing they could do, was to break down the hedge.

The House divided, when there appeared on the original motion, Ayes 15; Noes 52—Majority 37.

Bill put off for six months.

Civil Bill Courts (Ireland).] The House resolved itself into Committee on the Civil Bill Courts (Ireland) Bill.

Causes 39 to 45 were agreed to, with verbal amendments.

On the schedule providing, that the assistant barrister receive his fee of one shilling on "signing" the decree being put, an amendment was moved, that he be entitled to the fee on merely "pronouncing" it.

Thereupon the Committee divided on the original clause, Ayes 43; Noes 21—Majority 22.

The House resumed.

HOUSE OF LORDS,

Thursday, *June* 30, 1836.

Minutes.] Bills. Read a third time:—Instrument of Sasine (Scotland); Revenue Department Securities.—Read a second time:—Chapels of Ease (Ireland); Petty Sessions (Ireland); Poor Rates.—Read a first time —Imprisonment for Debt.

Petitions presented. By the Marquess of Westminster, from St. Asaph, for the Irish Municipal Corporations' Bill as sent up from the Commons.—By Lord Lyndhurst, from Conservative Society, Liverpool, praying the House to resist all attempts to interfere with its Rights, Independence, and Privileges.—By Viscount Melbourne, from Framlingham, Sunderland, against the payment of Church Rates; and from the Dissenters of Chatham, for Relief.

Municipal Corporations (Irelanl.)] Lord *Ellenborough* said, that the Committee appointed by their Lordships to draw up reasons for dissenting from the amendments of the other House to their Lordships' amendments to the Irish Municipal Corporations Bill had agreed to their Report, which he would now read to their Lordships, and then call upon their Lordships to concur in the Report. The noble Lord read as follows:—

"The Lords participate in the conviction expressed by the Commons that a good correspondence between the two Houses is essential to the well-being of the British monarchy, and it is always a subject of regret to them when, in the performance of their duty, they are compelled to take a different view of any important measure from that which has been adopted by the House of Commons.

"The Lords are earnestly desirous of removing all just causes of complaint, and of promoting all well-considered measures of improvement in all parts of the United Kingdom.

"Impressed with these feelings the Lords were anxious to co-operate with the Commons in carrying into effect some of the important objects of the Bill for the regulation of Municipal Corporations in Ireland, although there was one principle in that Bill in which they were unable to concur.

"They assented to the dissolution of Corporations, the practical effect of whose constitution is a subject of reasonable dissatisfaction.

It did not appear to them advisable to establish in their place that particular form of local government which was proposed by the Commons, but they were not without the hope that the two Houses might agree upon provisions which, accomplishing at once their common object, of removing a just cause of complaint, might at the same time secure the due administration of justice in cities and towns, preserve the corporate property for their respective benefit, and leave their local government under Acts voluntarily adopted.

"The Lords coincide in the opinion that it is not generally expedient to introduce, in the form of amendments, matters which may seem to require the more mature consideration which is given in its successive stages to an original Bill; but on this occasion the most convenient mode of procedure appeared to be that which enabled the Lords to make the fullest communication of their views to the House of Commons.

"The Lords remain strongly impressed with the belief that the system of local government proposed by the Commons would, in the actual state of Ireland, be the present cause of party triumph, and the continued source of party and religious dissension.

"The Lords earnestly desire the tranquillity of Ireland: they are unwilling to adopt a measure which would, in their apprehension, supply new occasions of collision to the adherents of different creeds and principles.

"They are prepared to do equal justice to all; but it cannot always be assumed that, by the grant of similar institutions to countries differing in their circumstances, equal justice will be done.

"The Lords are unable to acquiesce in the proposition now made by the Commons, that Corporations, as re-constructed by the Bill, shall be confined to twelve cities and towns, because it is in those cities and towns of larger population that the most extensive evils would, in their opinion, result from such reconstruction.

"The Lords disagree to the amendment whereby the existing Corporations are to be continued in eighteen towns. They are reluctant to circumscribe the extent of the general relief they deem it expedient to grant.

"Neither are the Lords prepared to concur in the proposition that the Act of the 9th year of the late King George the Fourth, to make provision for the lighting, cleansing, and watching of towns in Ireland, and to give the power of taxation for such purposes to elective commissioners, should be imposed upon twenty cities and towns. Anxious that there should exist the power of taxation for local purposes wherever its existence might be desired by the inhabitants to be taxed, the Lords had not suggested any alteration of that Act. They had afforded new inducements to its voluntary adoption by giving the means of placing the surplus property of the Corporations to be abolished at the disposal of the Commissioners who might be elected in the towns with which such Corporations are respectively connected.

"The Lords readily acquiesce in the desire of the Commons, that, whenever that Act may be adopted, the whole corporate property shall be at once transferred to the management of the Commissioners, elected under its provisions.

"But the Lords must call to the recollection of the Commons, that hitherto the inhabitants of towns in Ireland have very generally refrained from availing themselves of the power of local government and taxation so offered to them. To render indispensable the election of Commissioners, to whom would be confided the power of raising taxes for local purposes, would, undoubtedly, be in accordance with the principle adopted in the reform of Municipal Corporations in Great Britain, but the Lords cannot but apprehend that the proposed intervention of the Legislature to overrule a manifest reluctance to be so governed, and to be so taxed, would not, as the Commons appear to anticipate, have any tendency to satisfy the just expectations of his Majesty's subjects in Ireland, or to maintain and strengthen the union.

"The Lords have abstained from insisting upon several amendments to which the Commons appear to attach much importance.

"They acquiesce in the opinion that officers connected with the administration of justice in Ireland should be removed from local influence, and placed under the direct authority of the Crown.

"They have willingly consented not to insist upon amendments which conflicted with the immediate application of the principle thus established.

"It will be a matter of sincere regret to the Lords if their adherence to the more important amendments made by them in the Bill, and their inability to concur in the new propositions made by the Commons, should have the effect of leaving a just cause of complaint without a full and present remedy.

"The Lords will, however, still entertain the hope that the two Houses of Parliament, maintaining the good understanding which happily subsists between them, and zealously co-operating in the discharge of their common duty to the country, may at no distant period devise such measures of reform in the administration of local affairs as may give real contentment, by effecting real improvement, and promote prosperity by promoting social and religious peace in the cities and towns of Ireland:—

"Because the retention of the preamble as amended by the House of Lords is rendered necessary by the other amendments on which they insist.

"Because the Bill, as it passed the House of Commons, having practically extinguished all existing municipal corporations in Ireland, and the Lords having assented to that provision, the question between the two Houses is no longer whether Corporations should be abolished, but whether they should be re-constructed.

"Because in the present state of Ireland the general ease and contentment of the inhabitants of cities and towns therein would not be effected without modifications of the principle of local government, as applied to England and Scotland respectively, different from and more extensive than those which have been proposed by the Commons:

"Because the public good is the only true object of legislation; and, according to the difference of circumstances, that object is to be equally attained by different measures in different parts of the United Kingdom.

"Because confidence in the decisions of Parliament follow the well-considered adaption of measures to the advantage of those for whose benefit they are desired; and a spirit of distrust and discontent would be produced by instituting measures similar in name but dissimilar in their results.

"Because it is similar in effect to another provision contained in a clause proposed to be inserted by the Commons in a subsequent part of the Bill, and the omission of which is proposed by the Lords.

"Because it is necessary, consistently with other amendments proposed by the Lords, to make a temporary provision for the discharge of the duties of the officers to whom the clause refers.

"Because the 1st and 2nd of such Clauses contains regulations respecting the Corporations proposed to be abolished.

"Because the 3rd of such Clauses contains regulations respecting property held upon charitable trusts, and which for further reasons hereinafter mentioned are insufficient. Because the 4th, 5th, 6th, and 7th of such Clauses contain regulations for transferring trusts and powers under Acts of Parliament, to members of the Corporations, proposed to be abolished.

"Because the 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, and 18th of such Clauses contain regulations of police which the Lords consider to be sufficiently provided for by the Act passed in the present Session of Parliament for establishing a constabulary force in Ireland.

"Because the remaining clauses contain regulations respecting the Corporations proposed to be abolished.

"The Lords have taken into their consideration the reasons annexed by the Commons to the proposed amendment to Clause 1, which reasons apply to other subsequent clauses to which the Commons equally disagree.

"The Lords observe that the Bill, as passed by the Commons, contained certain trusts in certain Corporations, being trustees casually in office on a given day, notwithstanding those persons might have ceased to hold any office, by virtue of which they were such trustees, and that the clauses objected to were intended to prevent the detriment which might have arisen from the provision made by the Commons, that all such trusts should cease on a day named; and the Lord Chancellor then made such orders as he might see fit for the appointment of trustees and the administration of the trust estate, if Parliament should not have otherwise directed.

"The Lords are of opinion that it was inexpedient to throw upon the Lord Chancellor a duty he could not satisfactorily discharge, the more especially as no provision was made by the Commons for the security of the trust property, in the event of the duty imposed upon the Lord Chancellor not being in any case performed.

"The Lords therefore thought it desirable to continue the several trusts in the several persons in whom they were continued by the Bill, as it passed the House of Commons, until Parliament should otherwise provide.

"The clauses objected to contain other enactments obviously necessary to meet cases which, arising out of the proposed abolition of Corporations, had not been provided for by the House of Commons; but all such enactments, proceeding upon the same principle, are of a character subject to the future direction of Parliament.

"For these reasons the Lords insist upon these several clauses:—

"Because it is necessary to provide for the security and management of corporate property when, by the enactments of the Bill insisted upon, Corporations shall be abolished.

"Because it is advisable to place the management of such property in the hands of Commissioners removed from local influence, and responsible for the due performance of their duties.

"Because the management of an inconsiderable property, and the right of nomination to some offices of small value required for the collection of such property, or otherwise necessary, cannot, in the apprehension of the Lords, create an influence inconsistent with the freedom and independence of the several cities and towns in Ireland.

"Because the amendment proposed by the Lords appears to them to be necessary, with a view to the title to the lands which the Commissioners are by that clause empowered to purchase.

"Because the provisions to which the Commons have disagreed appear to the Lords to be necessary, on account of the peculiar circumstances of the right of patronage to which these provisions were intended to apply.

"Because there are duties to be performed by the officers to whom that clause refers which the Lords agree with the Commons in regarding as highly important to the mercantile and commercial interests of the several cities and towns in Ireland, and for the performance of which no sufficient provision would otherwise be made."

The noble Lord moved, their Lordships, that they agree to the resolutions.

Viscount *Melbourne*: My Lords after the reasons I have stated upon a recent occasion for dissenting from your Lordships, and after the vote I gave upon that occasion, it would be superfluous on my part now to say that I do not concur in the reasons which we have just heard from the noble Lord. I have heard on the contrary, with very great concern, the course which it is proposed to follow. I think it is hasty, and rash, and imprudent, and that the reasons assigned are not sufficient to justify the step that has been taken. After the decided manifestation of opinion which your Lordships have shown, I am not disposed to offer any opposition to these reasons. It will, however, be distinctly understood by your Lordships and by the country, that neither I nor the noble Lords who act with me are parties to these proceedings; that we distinctly disclaim any agreement or participation in them; and that, on the contrary, we altogether disclaim, disapprove of, and condemn them.

The reasons were adopted, and it was agreed a conference should be requested with the Commons.

A conference was accordingly held, at which their Lordships' reasons for not agreeing with the Commons' amendments to the Municipal Bill for Ireland were communicated to the Commons.

ADVOWSONS (IRELAND.)] The Marquess of *Westmeath* wished, before making the motion of which he had given notice, to call their Lordships' attention to what he considered to be an unfair, reprehensible, and cruel misrepresentation of words used by him in the debate of Monday last. He was too sensible of his own deficiencies to offer any opinion except on subjects connected with the country in which he lived, or on topics on which he was well informed, and he thought he had a right to complain when language was put into his mouth totally contrary to that which he had used. The mis-statement to which he referred was contained in the *Courier* newspaper of Tuesday, in its account of the preceding night's debate. That paper stated, that he had opposed the motion, and declared, with the noble Duke who had just sat down, that nothing should induce him to give the Catholics of Ireland the power of taxing themselves. What he had really said was, that as it had been imputed to many noble Lords on the same side, that by the course they were taking they were heaping injury and insult on Ireland, nothing could induce him at least to be a party to anything that could be attended with such consequences, and he was too well aware of the hardships pressing on that country to insist on increasing the burden of its taxation. Having given this explanation, he would proceed, in pursuance of the notice he had given, to call the attention of the House to the returns (laid before the House on the 2nd inst.) of the parishes in Ireland to which the Crown presents, and the archbishops and bishops present. He complained that the returns had been very incorrectly made out, and that, as his Majesty's Ministers had included the advowsons of the lay proprietors in their scheme of confiscation, great injustice was thus done to individuals. He concluded by moving, that an humble address be presented to his Majesty, that he would be graciously pleased to order the bishops of the several dioceses in Ireland to amend the returns presented to the House on the 2nd of June last, and that the Bishop of Meath be commanded forthwith to furnish the return already sanctioned by his Majesty, in answer to the address of this House.

Viscount *Melbourne* thought that the terms in which the motion was couched were very vague and uncertain. It apappeared to him, that the deficiency which the noble Lord wished to be supplied, and the errors he wished to be corrected, should be pointed out rather more distinctly, for otherwise the officers whose duty it was to amend the return would not know in what respect it should be amended. With regard to the latter part of the motion, referring to the Bishop of Meath, it was a very unusual course to take, and, he thought, unnecessary and peremptory.

Lord *Ellenborough* must oppose the motion, for he thought it would lead to no useful result.

The Earl of *Ripon* suggested to the noble Marquess the propriety of withdrawing his motion, and putting it in a more convenient shape.

The Bishop of *Exeter* said, that the words of the motion were of a very unusual and offensive kind. He was not aware of any prerogative of the Crown which could authorise his Majesty to order any Bishop to make or to amend any such return. He must say, that it would be a very strong measure for this House to take, and he hoped they would not consent to it without some strong reasons. He should certainly feel it his duty to move that the opinion of the twelve Judges of the realm be taken before such an address be presented. It appeared to him that no sufficient ground had been laid for the motion.

The Marquess of *Clanricarde* wished that fuller returns should be obtained, as they were absolutely necessary for the purposes of legislation.

The Marquess of *Lansdowne* recommended the noble Marquess to withdraw his motion, and frame another, particulariing the deficiencies of which he complained. To a motion properly worded no objection could be made.

The Marquess of *Westmeath* saw clearly that his motion was not properly worded, and he would therefore beg permission to withdraw it.

Motion withdrawn.

VOTING BY PROXY.] The Earl of *Uxbridge* called their Lordships' attention to an occurrence concerning which some mistake had arisen, and which he was of opinion should be brought before the notice of the House. A Member of their Lordships' House, the Marquess of Anglesey, had been entered amongst the proxies in the late division on the Irish Corporation Bill. Now, some noble Lords had imagined, that the noble Marquess had been in the House in the course of the evening, a circumstance which would of course rescind the entrance of his proxy. For his own part he (the Earl of Uxbridge,) understood that the Marquess of Anglesey had not been there at all since the time when he entered his proxy.

Lord *Kenyon* said, that the name of Lord Anglesey had not been called, and one of the clerks had, upon the evening in question, said that his proxy was rescinded. He (Lord Kenyon), therefore, had been of opinion that the vote of the noble Lord should be added to the minority.

The Earl of *Haddington* had been told by some noble Lord, that the Marquess of Anglesey had been in the House during the debate.

Lord *Holland* thought, that the Marquess of Anglesey had not been in the House. Speaking constitutionally, the Woolsack was no part of the House, and consequently it had always been the practice of the Chancellors to step forward from the Woolsack more into the body of the House when they wished to address their Lordships upon any subject. If the noble Marquess, therefore, had passed the Lord Chancellor he certainly had been in the House. These were points of some intricacy, and he wished that a Select Committee were appointed to report to their Lordships upon the subject.

Subject dropped.

Counsel for Prisoners.] Lord *Lyndhurst* moved the order of the day for the House going into Committee on the Prisoners' Counsel Bill.

Lord *Wharncliffe* entirely disapproved of this Bill, but he should not trouble their Lordships with his reasons for doing so until the bringing up of the Report.

The Duke of *Richmond* did not oppose the Bill. On the contrary, after the evidence that had been taken, he thought the Bill ought to pass. But he rose to ask the noble and learned Lord whether he would have any objection to introduce a clause to remedy an evil, the existence of which he pointed out last year? If he understood the principle of this Bill it was to give a fair trial to the prisoner. By the present law, if a man had been previously convicted and was brought to trial for a second offence, it had been decided by the judges that the former conviction must be set forth in the indictment, and evidence be adduced to prove the identity of the prisoner. This, of course, brought the prisoner at once before the jury with a strong prejudice against him. He submitted to the noble Lord that a clause might with very great propriety be introduced into this Bill to alter the law in that respect.

Lord *Lyndhurst* was desirous that the law should be restored to the state in which it formerly stood with respect to this point, and he should have no objection to introduce a clause to the effect proposed, provided the noble Duke would not afterwards call it an original Bill. It was his intention, when in Committee, to propose to strike out all the clauses except the first, as either being unnecessary, because they went to enact what was already the law, or because they were enactments which had no connexion with the real object of the Bill. He also intended to propose that the Bill should come into operation on the 1st of October. It would likewise be necessary to change the title of the Bill. It was now stated to be an Act to enable prisoners to make their defence by counsel. As prisoners were sometimes tried where no counsel were present, but were defended by attorneys, it would be necessary for the words "or attorney" to be in the preamble.

The House went into Committee.

On the 1st Clause

The Earl of *Wicklow* said, that he had had communication with a very eminent judge in Ireland, who had great experience as a criminal judge, and he had stated that his opinion was, that the Bill would not be, upon the whole, beneficial to the prisoner himself. He would confine the right of the prisoner to address the jury where the counsel for the prosecution had previously done so. Much time might be saved on occasions of this kind if this course were adopted, for however their Lordships might wish to avoid using time as an argument, yet they nevertheless must feel that time was an ingredient worthy of their attention while considering this question.

Lord *Holland* said, that the object of the Bill, if he understood it aright, was not intended to be beneficial to the prisoner: and even if it were, he did not think that the judge or the counsel were the best authority upon the subject. The object of the Bill was the better administration of justice by placing the prisoner tried for felony upon a more equal footing with his prosecutor: upon the same footing, indeed, as persons were placed who were tried for other offences.

The Earl of *Radnor* thought there was a great discrepancy in the present state of the law, which ought to be removed. But still he did not entirely approve of the Bill. It was desirable that the indictment should be framed in a different way from what was now the practice. The mode adopted in Scotland and in France was preferable, and gave the prisoner much better opportunity of defending himself than the system adopted in England. He thought the alterations which the noble Lord was going to make would strike out the very best part of the Bill. [Lord *Lyndhurst*: In what way?] By striking out the clauses.

Lord *Lyndhurst:* The object was to make the proceedings in cases of felony correspond with the practice in all other criminal proceedings. Let that be done in the first instance, and see how it worked. If it were found to be inconvenient, then let the law be altered.

The 1st Clause was agreed to.

The Bill went through the Committee with considerable alterations.

IMPRISONMENT FOR DEBT.] The Lord *Chancellor*, pursuant to notice, presented a Bill for abolishing imprisonment for debt, and for the better recovery of debts. He felt it unnecessary, at that time, to trouble their Lordships with any observations on the subject; the project contained in the Bill was not a new one, having been under the consideration of the other House of Parliament last year; and having, indeed, received the sanction of that branch of the Legislature. On moving the second reading of the Bill, he would explain to their Lordships the objects contemplated by the Bill, and the means by which it was hoped to accomplish them.

Bill read a first time.

HOUSE OF COMMONS,

Thursday, June 30, 1836.

MINUTES.] Bills. Read a third time:—Horse Patrol.—Read a second time;—Deeds Ratification; Notaries Public.—Read a first time:—Personal Tithes Abolition of; Owners of Vessels Liability (Ireland); Railways Revision of Tolls.

Petitions presented. By several HON. MEMBERS, from various Places, the House to adhere to the Irish Municipal Reform Bill as originally passed by them.—By Mr. R. WALLACE, from Cumnoch and Inverary in favour of Law Reform (Scotland), and from the Attorneys of Hamilton and Greenock, for Repeal of Duty on Attornies Certificates, and from Ayr, Newton, Wallace-town, and Content, for the Alteration of the Law of Heritable Property (Scotland).—By the Lord ADVOCATE and Mr. R. WALLACE, from Leith, for Municipal Corporations (Scotland) Bill.—By several HON. MEMBERS, from various Places, against Turnpike Trusts Consolidation Bill.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland), and for the House to adhere to the Irish Municipal Corporation Bill as originally passed, by them.—By Sir GEORGE CLERK, from Anderston, and Leith, against Municipal Corporations (Scotland) Bill.—By Sir W. GEARY, from Greenwich, in support of House of Lords.—By Sir G. STRICKLAND, from several Places, against Factories Act Regulation.—By several HON. MEMBERS, from various Places, for Abolition of Church Rates.—By Sir JOHN BECKETT, from Leeds, for Amendment of Sale of Beer Act.—By several HON. MEMBERS, from various Places, for Requiring from Joint Stock Banks an Account of their Liabilities and Assets.

CASE OF MR. PERROTT.] Mr. T. *Attwood* rose, pursuant to notice, to present a petition from Mr. Henry Dundas Perrott, late a Lieutenant in the Royal Navy, who complained that he had been arbitrarily and unjustly deprived by the Admiralty of the pension granted to him for his services, besides having been unjustly kept from being restored to his rank in the navy, from which he had been dismissed.

The petition having been brought up,

Mr. *Charles Wood* was sorry to be obliged to trouble the House upon a subject with which he believed every hon. Member was already fully acquainted. The only circumstance which had occurred since the case of Mr. Perrott had been last before the House was the trial and conviction that had taken place. He (Mr. C. Wood), although the trial had been relied upon by the hon. Member for Birmingham, was glad that it had taken place, as every one of the allegations made against the petitioner had been proved. He had been convicted of a fraud; and it had also been shown that he had obtained his pension by gross fraud, he having stated he had lost his arm while exercising great guns in the Channel. It was true the fraud had not been found out for some time; but, so far from acting harshly, the Admiralty had acted most humanely, as they allowed him to retain a pension to which it was clear he had no right. The petitioner had charged Sir Thomas Hardy with first giving him a good character and then refusing the prayer of the petition. Now the fact was, that the character was given by Captain Hardy previous to 1808. Between 1808 and 1809 Mr. Perrott's conduct was so bad that his Captain had determined to bring him to a Court-Martial, but he obtained his discharge in consequence of losing his arm, so that that loss had first saved him from a Court-Martial, and then had got him a pension to which he was not entitled. The petition mentioned many wounds received, it was said, by the petitioner, and battles at which the petitioner said he had been. One date only was, however, mentioned; and it appeared from the records of the Admiralty that he could not have then been at sea at all. The hon. Gentleman, therefore, said that he had sufficient grounds for doubting the whole of the statement put forward by the petitioner.

Sir *Edward Codrington* said that here was assertion against assertion. He did not understand why the Admiralty records should be trusted without investigation. The question here was, had there been an examination face to face? At all events, the petitioner should have been tried before a Court-Martial; and until he had been convicted by that tribunal the Admiralty had no right to take the course they had adopted. He was convinced that the hon. Gentleman who last addressed the House knew nothing of the merits of the case.

The *Speaker* said, that the question before the House was, that the petition do lie on the table. The hon. and gallant Officer had no right to go into the merits of the case on that question; but he might, if he thought fit, bring forward a motion on the subject. The practice of raising discussions on petitions was highly inconvenient.

Sir *Edward Codrington* knew how difficult it was to find an opportunity to bring a motion on; but still if the hon. Member for Birmingham did not submit a motion on the subject he certainly would.

Admiral *Adam* observed, that whenever the matter was brought forward he should be perfectly prepared to meet it.

Mr. *Hume* denied that the statements of the petitioner had been disproved. He was present during the whole of the trial, and so far from convicting Mr. Perrott, they gave him damages, and of course found the Admiralty guilty.

Mr. *Charles Wood* observed, that as the Admiralty had in no way offended, they could not possibly have been found guilty.

Mr. *Hume* witnessed the conduct of the counsel in the case, and of Sir John Barrow, who, in justification of the Admiralty, brought forward every document he could; but still the Jury, after a most patient investigation, returned a verdict against them, by giving Mr. Perrott damages. It was hard that an officer who had fought in thirteen battles should be persecuted as this individual had been.

Admiral *Adam* begged to say that since the trial the attorney of the petitioner had waited on Sir John Barrow, and apologised to him for having occasioned him so much trouble for a purpose so unworthy.

Mr. *Goulburn* observed, that in an affidavit which the attorney had sworn, he stated, "that in the belief of this deponent the petitioner had not been guilty of the offences which had been laid to his charge." He believed, however, that such an affidavit could not be received according to the rules of the House.

Petition to lie upon the Table.

SIR JOHN BARROW'S PENSION.] Sir *Edward Codrington* wished to ask a question of the hon. Gentleman, the Secretary for the Admiralty. He perceived that Sir John Barrow, after a certain number of years' service, was to receive a retiring pension of 1,000*l.* a year, which far exceeded the amount of the pension enjoyed by the oldest post-captain in the navy. It appeared that the officers of the navy, no matter what their services might be, were liable to be "scratched" off the books of the Admiralty at any moment, in the event of their misconducting themselves, or being guilty of unofficer-like or ungentlemanly conduct, and he, therefore wished to know if Sir John Barrow was to stand on the same footing in respect of his pension?

Mr. *Charles Wood* said, that, although the Admiralty had the power of erasing from the Navy Lists the name of any office, whose conduct did not become the character of an officer and a gentleman, he did not think the case of Sir John Barrow would come within that rule.

Sir *Edward Codrington* wished to know from the hon. Gentleman whether Sir John Barrow was in point of fact to have a vested right in his pension of 1,000*l.* a year, let his conduct be what it might, at the same time that the name of the oldest and most distinguished officer in the navy was liable to be scratched off the books if he misconducted himself? He thought that this was not treating the navy fairly, and he should take an early opportunity of bringing the matter under the consideration of that House.

Subject dropped.

ADMISSION TO THE HOUSE.] Mr. *Ewart* begged to call the attention of the House to a paper which he had seen posted up in the lobby of the House, stating that no stranger could in future be admitted to the gallery without a Member's order. For his part he should rather see the admission of strangers more extended than it was, and therefore he should, on a future day, take an opportunity of submitting a motion on the subject.

Dr. *Bowring* said, that the notification to which the hon. Gentleman alluded was, he believed, the result of the resolution abolishing fees on admission to the gallery to which the House came the previous night. It was, he thought, highly creditable to the officers of the House that they had obeyed that resolution so promptly.

Subject dropped.

MUNICIPAL CORPORATIONS (IRELAND.)] A conference on the subject matter of the conference on the 17th inst., relative to the amendments of the Lords to the Municipal Corporations (Ireland) Bill was held with the Lords.

The *Chancellor of the Exchequer* aprpeaed at the Bar, and being called upon by the Speaker, stated, that the managers of the conference on the part of that House had met the Duke of Wellington and others, managers of the conference on the part of the Lords, and were acquainted by their Lordships that they had taken into consideration the reasons of the Commons for disagreeing with the amendments by the Lords on the Bill for Municipal Reform in Ireland; for omitting some of those amendments, retaining others, and making amendments upon other of the amendments of the Lords: that their Lordships stated that the House of Lords insisted upon the retention of some of their amendments and waived others: rejected some of the amendments of the Commons and admitted others: for reasons assigned by the managers of the conference on the part of their Lordships to the managers of the conference on the part of the House of Commons, which reasons the hon Gentleman brought up.

Lord J. Russell moved, that they should be read, which was done.

Lord *John Russell* said, I rise, Sir, to address the House upon the subject of the amended Irish Corporation Bill, as returned from the House of Lords, and I think that those who agree with us on the original formation of that Bill will agree with me in thinking that after hearing the reasons given by the Lords, and what the amendments are upon which they insist it is not possible for us to hope to come to a satisfactory settlement of this question. Among the minor amendments there is one of no slight importance—namely, that by which the whole of the corporate property is transferred to the Commissioners under 9 Geo. 4th., where such subsist. I cannot omit to note that this is an amendment of some importance: but, Sir, the Lords have stated, and in their reasons have very strongly supported that statement, that there is one principle of our Bill in] which they have not been able to concur. What is that principle? Sir, that one principle of the Bill is the very principle which gave it vigour and vitality—that principle which made it consistent with the constitutional freedom of these realms—that principle, from the operation of which we expected to give content to the people of the towns of Ireland: and when that one principle is refused and denied to us, and when it is so clearly stated that no concession will be made on this point, I can only submit that it is unnecessary for us to take any further time for consideration. That principle we have long and deeply considered; upon that principle we have over and over again declared our opinion, in debate and on division, from the very first day upon which the House was first addressed upon the subject in the speech of his Majesty from the throne, and I cannot for an instant suppose that now, upon the last day of June, we, the House of Commons, are prepared to surrender the principle upon which we have so solemnly decided. I think, therefore, that as there can be but one opinion upon the subject among those who formed a large majority upon the last occasion on which the House decided upon this question, it will be quite unnecessary for me to enter now into any lengthened statement of the reasons upon which our opinions are founded—to enter now into a description of the advantages of local and popular municipal government, or to endeavour to exposs or to confute any reasons by which the adverse view of things is sustained. I think I perceive in the reasons given by the Lords, some of those statements which I have always held to be fallacious upon this subject; the opinion amongst others, for instance, that it is only upon reconstruction that we differ, and that upon the abolition of Corporations we are agreed. We cannot now hope for any final and satisfactory conclusion respecting that Bill; it will be quite unnecessary for me to repeat the reasons why we adhere to our original decision. But, Sir, I cannot help calling the attention of this House to some words in the reasons of the House of Lords, which induce me to take a less dark and less despairing view of this great question than I have hitherto taken, It has long been my opinion, that whatever Government you wish to establish in Ireland, you should endeavour to make it rest on stable principles, and that there is nothing so dangerous as to be adopting from day to day, and in one part of the Government as contradistinguished from another part of the Government, different principles with regard to the rule and administration of that country. I have been strongly confirmed in that opinion by the differences which have prevailed so many years on these benches—when, on a subject deeply involving the interests of Ireland, exciting all the passions, provoking all those religious feelings which it is desirable to keep tranquil—when I have seen the Members of the same Government, on these benches, differing and disputing as much as any Ministry and any Opposition were ever seen to differ and dispute. I think my noble Friend, the Member for North Lancashire, who now sits opposite, must have imbibed the same opinion as myself on this subject, because he must be aware of the difficulties which existed with respect to the great Irish question, when the Members of the Government were expressing each his different opinions, and voting in the divisions of the House, some on one side and some on the other. I do not believe his seriously-expressed opinion could be, that it would be for the advantage of this country that such a difference should continue. I believe that both parties concur in this, that one principle or the other ought to prevail with respect to the government of Ireland. But if that be admitted, I think I may assume it to be important in an equal degree, that the two Houses of Parliament should not entertain, unalterably, opinions totally discordant as to the system of government which ought to be pursued. And I can conceive no question on which it could be more dangerous, on which it could be more calamitous, that the Houses of Parliament should differ, than on the paramount principles on which the Government of Ireland should be conducted. I will say further, that I cannot conceive, and I do not think, the Lords, in their reasons, wish it to be imagined that this is a question of a different nature. But in the prospect and in the immediate view of that calamity, I think I can gather some hope from the words used in the reasons of the Lords, and I will repeat the whole of those words, that the House may judge of them. The noble Lord here read the passage, to this effect :—

> "The Lords, will, however, still entertain the hope, that the two Houses of Parliament, maintaining the good understanding which happily subsists between them, and zealously co-operating in the discharge of their common duty to the country, may, at no distant period, devise such measures of reform in the administration of local affairs, as may give real contentment by effecting real improvement, and promote prosperity by promoting social and religious peace in the cities and towns of Ireland."

Now knowing the principles which we have maintained, knowing the principles to which we have adhered, I think the Lords would hardly have expressed such a hope, unless they expected that at no distant period they might agree to a measure, in principle the same as that on which the present Bill is founded. If that be the view that is taken, I much lament that the House of Lords did not take the present time for acting on it. I exceedingly lament that, disregarding the advice of some of the greatest, and wisest, and most experienced among them, they did not feel that, if the question were to be settled—if they looked to an end to the differences existing between the two Houses—they did not take the present moment for terminating it, when the contentment they would give to Ireland would be pure and unalloyed, instead of postponing it to distant times, when it may be mixed with other elements. I trust that every possible means will be resorted to—I can hardly say in the words of the House of Lords, to maintain the good understanding that now prevails between the two Houses—but to bring about a better understanding than now prevails. I am disposed, then, to rely on the hope held out to me in this paragraph. I do say, in conformity with what has been in former times the course of the House of Lords, in conformity with what I think ought to be the course of the House of Lords, if, in a great measure of this kind, the majority of the House of Commons remain firm to their principles—if that majority, so remaining firm to their principles, are supported by public opinion, I retain the hope, I anxiously cherish the hope, that the time may come—perhaps within a few months—when the settlement of this question may be effected, and when the prevalence of the reasons which have given rise to this disagreement, may yield to the general opinion of the House of Commons and the people. I am sure if I did not entertain that hope, I should despair of the British Constitution. I can conceive no Constitution more inconvenient than one in which the House of Commons and the people whom they represent, being of one opinion, another House of Parliament shall determinedly, perseveringly, and unyieldingly maintain the contrary opinion. The Lords have stated it as a matter of sincere regret with them, that the more important amendments which they made have not been acceded to by this House. Thus they admit, that the more important of their amendments this House has certainly not been disposed to adopt; and that, I think, will be a sufficient justification to us, if, at all events, as regards the more important principle, we should not be disposed to give way. I should probably close my observations with the hope which I have ventured to express, and with a declaration of the determination which I am resolved to adhere to, by every possible means, to infuse into the Government of Ireland and the legislation for that country, the principles of equity and justice, if it were not that complaints have been made greatly affecting my conduct, and which have been so interwoven with the question that I consider it my duty not altogether to pass them over. Sir, it is easy in this House, without committing any breach of its privileges, to refer to matters which have passed in conversation, or in another place; and no person can say, least of all can you, Sir, say, that the Speaker is then alluding to that which took place in another House of Parliament. Undoubtedly, to allude to what passes in another House of Parliament is an irregularity; but, on special occasions, when Gentlemen have found themselves compelled to do so, they have always been able to avoid the use of words that would be a trespass on the orders of this House. I have repeatedly heard such allusions. I remember that when Lord Castlereagh made a statement in this House with respect to the conduct of Lord Lansdowne, during his administration, Lord Lansdowne again stated the whole matter in the House of Lords, and went into his defence in that House. I remember another instance, which is not a little remarkable, because it bears certainly on some of the words which I used, and on the matter in which I am supposed to have been the cause. The words to which I am referring were used in the great debate on the Catholic question, when Lord Canterbury sat in the chair of this House. Mr. Canning said, on that occasion, "However a man may allow himself to be engrossed by the quarto, he generally contrives to peruse the diurnal sheet of Reports. And must not every man who reads know what passes? Nay, I myself have listened, in another place, *hisce auribus*, to what was meant to be the most taunting language, as applied to the Roman Catholics. It was said, if you give them relief, do it largely, do it effectively, &c."* And so he went on, and stated the arguments which he had heard in another place. Mr. Canning said, he heard them, "*hisce auribus*;" and as regards the words to which I referred, I say, I have with my own ears heard them. But Mr. Canning stated, that he had heard them in another place. Lord Canterbury was then in the chair, that zealous and dignified maintainer of the order of this House, and he did not think proper to interrupt the speaker, or to call on him to explain his words. Though the circumstance, however, may have been passed over by Lord Canterbury, there was one person present on whom that speech must have made an impression, because it was a speech which did convey one of the most vigorous, and one of the most successful replies I ever heard to the mistaken views and the unfounded attacks of the then Master of the Rolls. Well, then, it is not without example, that allusions of the kind have been made; it is not even beyond the recollection of those who are now living, and sitting in this and the other House of Parliament. Having passed by the matter of form, I will now come to the matter of courtesy, and it seems I am said to have repeated words used by a learned Lord without giving him notice of my attack. What I intended was, not to make an attack on that learned Lord; but if I omitted any matter of courtesy, I am sorry for it. When, however, it is said that if I had given notice of my intention, some of the friends of the noble and learned Lord might have been here to defend his conduct, I cannot forget I stated those words at the beginning of a debate which lasted two nights, and I spoke in the presence of the friends of the noble and learned Lord. I spoke also in the presence of his former colleagues. Further, with regard to the use of those expressions which were remarkable enough in themselves, a learned Gentleman, the Member for Tipperary, took care to repeat them on the second night of the debate, and to call the particular attention of the late colleagues of the noble and learned Lord to the subject; and though there had been full time, from the appearance of the reports in the morning, to arm any of the colleagues of that noble and learned Lord with any answer that might be given, the right hon. Baronet, wisely, as I think, but certainly, in fact, avoided all mention and allusion to the words, and the only reference made to them was made by the noble Lord, the Member for Lancashire, who alluded to them, pithily enough, by saying that they were words which he did not mean to justify or concur in. Now such being the facts of what passed on the second night of this debate, let it not be said, or let it not be believed at least by the Members of this House, that if I had given notice of my intention there would have been a triumphant reply by some of the friends of the noble and learned Lord. Well, then, as to the matter itelf, I do not wish—I do not think there is any occasion for me—to explain the statement that I made, because as far as I can learn, from a good many observations made on the subject, I do not find that the words in themselves have been in the least altered or retracted. It appears to me, that whatever force they had as originally delivered, they still retain. If those words were right words to use, they retain their original propriety; if they were wrong, if they were insulting words to use—which I never said they were—they retain their original offence. What I did say was, that those words were evidence of the motives, the grounds, the reasons, on which the amendments were carried. I think I have not been mistaken in that view. And it appears to me, I may say, that the clear and powerful mind of the person who used the words prompted him to give what was not a just, but what, if it had been just, would have been a sufficient reason for those amendments, because what I thought was wanting—what I considered to be defective in all the arguments I heard from the other side of the House—was not a sufficient justification of a measure for depriving the people of Ireland of Municipal Government. If the statement contained in those words was correct, it was just and sufficient ground for the course adopted. But I thought, besides, that in stating what I supposed to have been the grounds of the amendments of the Lords I was somewhat justified by their own practice. I may have been deceived. I know it was the custom for the public journals of former times to give under foreign names, and dated from Rome and Athens, reports of the debates that occurred in the Houses of Parliament; and the public papers of the present day may have reversed that practice: they, perhaps, have given real names, and the speeches themselves may have been entirely drawn from fiction. I suggest the possibility of this, because I cannot conceive any such observation as I have mentioned to have been made by any Member accustomed to go to any assembly where, as the persons who write these narratives tell us, there is hardly a measure with respect to Ireland which is not rejected, and the grounds for the rejection of which are not some words that have been used by an hon. Member of this House. Not only last year was that the case, but in the present year some words fell from the hon. and learned Member on the first night of the session. I do not wish, certainly, to take on myself the responsibility of expressions to which the hon. and learned Member affixes his own meaning, those expressions being to the effect, that the Corporations would be "normal schools for peaceful agitation." I think I am right in saying "peaceful" agitation—those words, with an alteration not trifling in substance—those words, so used in this House, if we are to believe those false and feigning reporters, were made elsewhere, the very groundwork of opposition to measures for the benefit of Ireland. I will own, that I have been led into error—that I had these diurnal reports—that I read them with a good deal of belief—that I now consider them unfounded, and that their object was to give occasion to censure the House of Lords: they have put into the mouths of noble and learned Members reasons, founded on words used in this House, but which never have been actually uttered. I must admit all this, for I cannot conceive that I have been made the subject of attack for doing that which is constantly practised in that House. With respect to the matter itself—with respect to any justification of the words, it may be said, perhaps it will be said, that those who sought to excite the people of Ireland, and who placed themselves at their head, to demand the repeal of the Union, made the difference between the two nations, the ground on which the demand was made. When a large portion of the people of Ireland sent in their petitions to this House, and said "you are unfit to Legislate for us, you do not share in our feelings, you do not belong to the same religion as ourselves, and we ask you to give us our independent Legislature, "What was your answer? "We will not consent. That repeal of the Legislative Union would lead to the dismemberment of the empire. We will not repeal the Union, but we will listen to your just complaints; we will show you, that for your portion of the empire, we feel as much interest as for any other portion; in proof of our good disposition towards you, we will give you the same measure of justice as we gave to England and Scotland, why then will you entertain the unreasonable and restless jealousy which arises from your thinking that we will legislate for you in any other spirit." That is the answer which you have given to the numerous petitions which have been presented to this House. Then comes an instance. You framed a measure of Municipal Reform on sound principles, and you gave it to Scotland. You framed another measure of Municipal Reform, not quite the same, but on similar principles, and you gave it to England. You have before you another measure of Municipal Reform, founded on the same principles, but likewise differing in some respects, and you wish to give it to Ireland. And then, when the people come by petition, not to ask for repeal of the Union, but for this measure, are they to be told, "No, we cannot legislate for you as we do for the other parts of the empire. You are alien from us in blood, alien in religion, and hostile to us in feeling, therefore for you a different measure of Legislation must be provided?" Why, there is so obvious and so glaring an injustice in all this, that I consent with confidence, though with reluctance, to a delay of the question. I am persuaded the people of England will feel, that after being absolutely and totally denied any approach to the repeal of the Union, it is not just to say to the people of Ireland, they shall not be dealt with as if they formed a part and parcel of the empire. And on this question there cannot well be thought, I know efforts are making to excite it, any degree of religious difference. I well know on the Roman Catholic question, and latterly on the Church question, that the feeling which was endeavoured to be instilled among the people of England was, that the object of the promoters of these measures was to compel the people of England to give up their own Church and their own religion. I have been addressed by many a freeholder, whose vote I asked, by the reproach that I was myself a Roman Catholic, and that I wished to pass a measure which would have the effect of preventing the Protestants from going to their own places of worship. This feeling has prevailed, I assure hon. Gentlemen, to a great extent. But this cannot so easily be made a ground of objection in a question of Municipal Reform. I have been told to-day (only a few minutes ago) that the people of the north of Scotland are indignant at the notion, that they will not be allowed, by a Bill now in Parliament, to have a provost in their towns. The question is a similar one as regards Ireland—it is whether a mayor and council shall be allowed in the towns there. This is no question involving an alteration of the religion of the people, or the subversion of the Church. It is a simple question, whether the inhabitants of the cities of Ireland shall be allowed to have a mayor and council of their own. The Lords say they cannot consent to the corporations being established in twelves cities and towns; perhaps they are right, and we may hereafter extend them to a greater number. I think, certainly, that they should not be confined to twelve cities and towns; but I made a proposal to that effect to the House, because I thought it our duty, by every means in our power, to come to some understanding on this great question, and even to yield some of our opinions, that it never might be said it was on our side that the want of forbearance was exhibited. We have obtained the object we had in view so far. That which we thought necessary to give effect to our own principle, we have insisted on with as much moderation as possible—we have confined the statement of it to as narrow a compass as we could, consistently with the principle which this House was bound to maintain. I regret that the attempt to conciliate, has not proved successful; but I never can regret that the attempt has been made. For peace and harmony, for a cordial agreement between the two Houses, I am ready to sacrifice much—to alter many opinions, to confine views which might be further enlarged; but having done this, and the House having done me the honour to agree with that which I proposed to them, I should be betraying their confidence—I should be exhibiting a pusillanimity, which I hope the House of Commons never will exhibit—if I asked them to take into their consideration any further concessions, with a view to their swerving from the great principles in which is involved the future peace of Ireland, which are essential to the maintenance of the character of this House, and on which I believe the proud situation of this country depends. I therefore move, Sir, that these amendments be taken into consideration this day three months.

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* Hansard, page 988, vol. xvi., (New Series.)

The Speaker having put the motion,

Mr. *Hume* thought the noble Lord had stated very fairly his views on the present occasion, but he must say, that they were much more moderate than those which he entertained. He considered that the conduct of the other House of Parliament, with all due deference to the discretion they had exercised, did little honour to their judgment, as regarded the consideration they ought to give to the wishes of the people. They had in this instance the united voice of Ireland, demanding justice from this House. The question for the consideration of the House of Lords was, simply, whether there should be inefficient or good Government in Ireland. If the Lords continued to oppose themselves as they had done to good Government, the day would come when the people would consider the propriety of sweeping them away. Could it be supposed that the House of Lords was an institution constituted for the Lords themselves. No, they had a higher object to accomplish. They were appointed as one branch of the Government. So were the royal boroughs appointed for municipal government, yet they had swept away the royal boroughs, because they were supported by men who consulted only their own interests. Was there any difference between the rotten boroughs in England and Scotland, and the House of Lords? They were asked, would they not allow the Lords to do as they liked? He would say no. He repeated it might become a question, whether this second branch of the Legislature should be allowed to stand in the way of good government. He must say, that the manner in which the House of Lords had met the moderate proceedings of this House, exhibited a very ungracious return. The noble Lord had noticed the rap on the knuckles he had received for proposing that only twelve boroughs should have mayors and town-councils; that was an act of injustice, and he now saw the way in which his concessions were appreciated. He considered that it was the duty of his Majesty to carry on the Government of the country peaceably. He would not properly fill the high situation which he occupied, if he left anything undone to promote that harmony between the two branches of the Legislature which was necessary. He considered it his duty, at a time like this, boldly to state, that, in his opinion, from the House of Lords nothing was to be expected till an organic change had taken place. He knew that the noble Lord near him would resist such a proposition as long as possible, but it would be discovered, that what the House of Lords wanted, was responsibility, and responsibility to the people could not be accomplished till an organic change was made in the House of Lords. Come it would, and when it did come, it might sweep away institutions which they were now anxious to preserve. The people would not forget the "shilly-shally" policy which had been acted on for the last ten years; they had lost two years of reform. Was this the return which was to be had for the great sacrifices they had made? Of what use was the Reform Act to the country, if the House of Lords were to reject and treat with contempt every measure which was sent up to them for the purpose of realizing those fruits which the Reform Act gave the promise of. Who was to direct the proceedings of the Government—the minority or the majority? Were the people to yield to the Lords, or the Lords to the people? The House of Lords, with all its pageantry, was established for the good of the people, and if they worked to the prejudice of the people, it would be for the people to consider the mode of sweeping away the Lords. But they were told that matters were to go on in this way for another year. The doors of this House, then, were to be closed without their having granted a single request of the people of Ireland. With what confidence could the representatives of the people of Ireland go back to their constituents and tell them, that this House was willing to grant them what they asked, but the other House refused to listen to their just demands. He hoped that the example set by the right hon. Baronet, and the noble Duke, on a former occasion, would not be forgotten. They would bear in mind that short speech of the noble Duke, in which he said, that rather than have one day of civil war in Ireland, he granted Catholic Emancipation. With that example before them, he would ask, what was to be expected from the course taken by the House of Lords? Last year a Bill for the benefit of Ireland was rejected, because it contained the appropriation clause. Was there one single measure of Reform which the people of Ireland had a right to expect, and which this House was disposed to give them, that the House of Lords would consent to pass? Till means were found to compel them to act in conformity with this House, there should not be peace, there ought not to be peace, either in this country or in Ireland. He trusted the people of this country would rouse themselves, and demand for their fellow-citizens in Ireland that justice which we were pledged to afford them. The noble Lord said there was hope; but what a mockery was it to people who were suffering as they were, that there was a distant hope that the time might come when justice would be awarded them? The time might come when that measure which it was proposed to dole out to them might not be deemed satisfactory, and when the people might demand twice and thrice as much as they now asked for. The time might come—and he hoped it would come—when there would be extorted from their hands full justice, without thanks to that body which threatened the peace of the country. The Lords objected to the Bill; that it would give power to the majority; why, that was the very object which the measure was intended to accomplish: the people of Ireland were at present governed by a tyrannical minority. There did exist a tyrannical minority in the royal boroughs in Scotland and England, and they were properly swept away. That which was desired, was to give a popular control in the Municipal Corporations. That, however, was denied and he trusted this House would decide that the amendments of the Lords were no longer worthy of the consideration of this House. He differed with the noble Lord as to his grounds of hope. He believed that nothing was to be expected from the House of Lords, till the Peers were made responsible to the people. There existed no responsibility of the Lords to the people at this moment. The only ground of confidence, therefore, that he felt was, his belief that measures would be taken to force the Lords to concur with this House in its views of the necessity of giving Reform to Ireland.

Sir *Robert Peel*: I did not rise immediately after the noble Lord opposite concluded his speech, because I perceived, from the manner of the hon. Member for Middlesex, that he was desirous of addressing the House, and I wished to ascertain to what extent the noble Lord had been a fair representative and expounder of his opinion. I must say, I did not expect on this day, that we should have been called on to take into consideration the amendments of the House of Lords; still less did I expect that we should be called on without notice, and on the instant, to vote for the rejection of those amendments. I should have thought it would have been more consistent with usage, and the importance of the subject, that a motion should have been made for printing the amendments; and that on a subsequent day, a sufficient interval being permitted to weigh the nature of them, we should be called on to pronounce our opinion. Nevertheless, although I feel it necessary to express my dissent from the proposition of the noble Lord,—although I disapprove of postponing for three months the consideration of this question,—yet, as it has been understood that no division would take place,—I will not call upon the House to divide, lest an erroneous conclusion should be drawn from the numbers which would appear on either side. My conviction, however, of the propriety of delay in this matter, is confirmed by what has fallen from the noble Lord. In the first place, the noble Lord himself attaches great importance to some of the declarations contained in the reasons of the House of Lords, and he has said, there were some expressions of the House of Lords which made him hope for an amicable settlement of this question at a future period. If that be the noble Lord's view—it would be only decorous to afford us every opportunity for considering the reasons of the

House of Lords, and we ought not at once, hastily, and perhaps after not a very intelligible reading of those reasons, to be called upon for an immediate, a final determination. Another reason for delay—one that in my opinion makes it most desirous, is, that I think the noble Lord has placed a most erroneous interpretation upon a passage in the reasons of the House of Lords to which the noble Lord had referred. The noble Lord stated, that one of their Lordships' objections was, that it was proposed by the Bill, that Corporations should be confined to twelve towns in Ireland; and he excited considerable laughter among his supporters, by observing, that the House of Lords were anxious to establish more Corporations than the House of Commons had considered necessary. I think the noble Lord's interpretation of the passage referred to is erroneous; and if it be erroneous, that is an additional reason for taking the precaution of printing the reasons, before refusing to take them into consideration. It appears, by the paper read by the clerk, that "the Lords are unable to acquiesce in the proposition now made by the House of Commons—that the Corporations of Ireland, as reconstructed by the Bill, should be confined to twelve cities and towns." That is, that the Lords resist the proposition of the Commons, which was, that Corporations should be confined to twelve places. But was the noble Lord justified in stating that the real and *bonâ fide* objection of the Lords is,—that Corporations are to be confined to twelve towns only, and, therefore, they wished to have them extended? The noble Lord's description of their Lordships' reasons is most imperfect; and if he had condescended to give them a second perusal, he would have found that their Lordships do not object to the Bill, because Corporations are confined to twelve places only, but "because it is in those cities and towns of larger population that the most extensive evils would, in their opinion, result from such reconstruction." That is the real reason assigned, in distinct terms, by their Lordships; their reason is not,—that Corporations are confined to only twelve cities and towns. The House of Lords, in the course they have taken, have acted in conformity with the opinion of no inconsiderable minority of this House—a minority not unimportant in respect of numbers, station, and respectability; and I am bound to add (not, of course, with reference to myself) powerful, also, in respect of ability. On the first day of the Session this question was discussed—whether we should bind ourselves, by a preliminary resolution, to extend to Ireland the principles on which we had given Corporate Reform to England and Scotland? On that occasion the House of Lords made, without a division, an amendment to the Address, by which they declined to give that pledge. In this House I moved an amendment similar to that adopted in the other House; which was negatived by a majority of forty-one only. I believe that the course I then proposed—speaking with all respect of the decisions of this House—I believe that the course I then proposed,—a course in which I consented to one great principle of the Bill—namely, the dissolution of existing Corporations, the extinction of the monopoly of power heretofore confined to one party, making a sacrifice of the present power held by one party in the State—I think that the course I then pursued in proposing to make that sacrifice, to dissolve those Corporations,—but at the same time declining to establish other Corporations, under the apprehension that the evils would not be removed, but only transferred,—was the correct one. I concur, therefore, in the course which the House of Lords have taken. It is in conformity with the course which I have taken, and I should be ashamed of myself if, in the face of a majority, I shrunk from this avowal. I concur, too, in the substance of the concessions made by the House of Lords. There have been concessions, it should be remarked, by the House of Lords, upon matters, I admit, of a subordinate nature. I do not pretend to attach any undue importance to them as bearing upon the main point in this Bill, respecting which great difference exists; but, let it be recollected, great importance was attached to them during the debates upon this subject. Upon those points the Lords have receded from their opinions. Let us see whether this concession does not show the spirit that actuates them; let us see whether it does not show, upon their part, a dignified resolution to reject all menaces, to despise all imputations of sordid and sinister motives, and, after collecting what they believed to be the prevailing opinion of the House of Commons, to meet them in a corresponding spirit, and make an advance towards a conciliatory settlement. The noble Lord contends that the House of Lords have rejected the vital and popular principle of the measure. I must say that a greater exaggeration of the extent of the difference between the two Houses I never heard. What is the extent of the difference between the two Houses? The House of Commons proposes, that there shall be Corporations in twelve cities and towns in Ireland, and that twenty-two other towns shall, whether they wish it or not, be compelled to adopt the provisions of the Act 9 Geo. 4th. The Lords, on the other hand, leave to every town in Ireland the option of calling the Act of 9 Geo. 4th. into operation. It was objected, in debate here, that supposing the inhabitants of a town were to place themselves under the provisions of that Act, still the property of the preceding Corporation would be vested in the Commissioners to be appointed. This was one of the objections most strongly urged against the Lords' amendments in the first instance. The Lords, however, have now decided that in all cases in which the Act 9 Geo. 4th. may be adopted, the corporate property shall be vested in Commissioners chosen by the popular voice. The noble Lord admitted that this was an important concession. That admission is totally inconsistent with the noble Lord's declaration, that the House of Lords have divested the Bill of its vital and popular principle. We may differ with respect to the maintenance of Corporations in Ireland; but I cannot understand how a measure can be said to be deprived of its popular principle which allows five-pound householders in towns, in that country, to elect Commissioners for the purpose of local government, which Commissioners are to have exclusive control over the corporate property of the place. Great objections were made to the continuance of certain Corporation officers, who were, I think, called butter-tasters and weigh-masters. We heard a great deal of them. Now, have the Lords shown any desire to prolong corrupt interests (as they have been termed)—by perpetuating these appointments? As far as I can collect from the Lords' amendments, they have obviated all objection on this head. In the administration of justice, too, objections were urged with respect to certain officers; and the Lords have completely abrogated the compulsory clauses which related to those officers. These, then, are all important points, which the Lords have conceded. Though I dissent from the proposition of the noble Lord for the amendments being summarily rejected, I am bound to say, that in the present temper of the House, I do not see any advantage to be obtained from a postponement of the discussion. I am bound to say so; I do not think that any nearer approach could be made towards a settlement by protracted conferences. I doubt whether, if ever the elements of a reasonable and satisfactory settlement are to be collected, there could be any advantage in looking for them now, on account of the influence of strong feelings which exist upon all sides, and the excitement of passions produced in the discussion of these questions. The noble Lord has referred to the part taken upon this subject by a noble and learned Friend of mine. A great part—much too great a part of his speech—was occupied by a reference to what has taken place in the House of Lords. The noble Lord complains of the animadversions of my noble and learned Friend, upon a speech delivered here by the noble Lord. The noble Lord ought to recollect, that if any offence has been committed, he was the first offender. I put it to the noble Lord, whether, if a Peer of Parliament, admitted by courtesy to listen to our debates, had gone into the House of Peers, and there declared that he had heard with his own ears certain expressions used here—and had made a charge against the person who had so used them—whether or not the Member of the House of Commons, so charged in the House of Lords, would not be justified instead of involving himself in a question of Order, or appealing to privileges in defending himself, or in administering reasonable chastisement for the offence. That is the course which would be pursued, I am sure, by the noble Lord himself. The noble Lord has expressed his surprise that on the second night of the debate there was no reference to the speech delivered by my noble and learned Friend. He seems to think that a former colleague of my noble Friend ought, on the second night of the debate, to have offered some explanation on the subject. Surely the noble Lord is not under the impression that I shrunk from defending my noble and learned Friend from imputations cast upon him? The noble Lord refers, I suppose, to the explanations called for, from me, by the hon. and learned Member for Tipperary. Upon that occasion I was asked this question—"Do you subscribe to these words? Do you adopt them?" My answer was—"I am here to explain my own sentiments and my own opinions." I have frequent opportunities of stating what are my own views and principles, and no one has a right to repeat to me words used by another person, and ask me, whether I subscribe to them. I did apply to my noble and learned Friend to ascertain how far the interpretation put upon the words alleged to have been used by him was correct; and the answer I received was, that my noble and learned Friend wished to reserve to himself the opportunity of making an explanation on the subject. My noble Friend has explained the words referred to. He has put his own construction upon them. He has declared the intention with which they were used; and that having been done by my noble and learned Friend, I am under no obligation,—but the reverse—of entering into any explanation upon his part; and on my own, I refer to my own declarations with respect to Ireland, and the principles upon which I think she ought to be governed; and if at any future period you bring to me the words of another, my answer must be, "I speak my own sentiments. I explain only my own language." If, with respect to this Bill, I have not explained what my sentiments are—if I have not made my opinions and principles manifest to you—I despair by any subsequent explanation of giving to you an exposition of my feelings. There is only one other point in the noble Lord's speech to which I feel it necessary to refer. The noble Lord has thought proper to declare that under a certain alternative he should despair of the maintenance of the British Constitution. It was with deep regret that I heard such a sentiment uttered by a Minister of the Crown. At any rate, I disclaim any participation in the noble Lord's despair. I do not entertain a doubt that the British Constitution will be upheld. I do not believe that there is any desire entertained by the people of England to part with the advantages of a mixed government under which they have so longed lived! You say—you must not refuse to do justice to Ireland. No doubt you must not. But then you have no right to prescribe and enforce upon us, that which, in your opinion, constitutes justice. Hon. Gentlemen may say, that noble Lords shall not wantonly exercise this power; hon. Gentlemen may declare, that they shall not exercise the privileges which they have been vested with by the Constitution for their individual benefit. No doubt they are not to do so. They are responsible for the power they exercise. They are not responsible to constituents as we are; but they are responsible to God [*Laughter*]. I say, Sir, solemnly—that the Lords are responsible to God, to their own consciences, and to their own intelligent fellow-countrymen. No doubt, they feel and act upon that responsibility. What does the noble Lord say? "That, judging of the course which the House of Lords has hitherto pursued, he does not despair of an amicable arrangement of this question." Can you hold, that the House of Lords have pertinaciously adhered to their own opinions, without reference to the public good? I believe that the House of Lords will continue, as they have done, to give satisfaction in the exercise of a public duty—a duty that they owe to the people. I believe that on account of the great functions with which they are intrusted, it is absolutely necessary that the power they possess should be maintained. I believe that they exercise those powers, not with a view to the mere exercise of power, still less on account of personal privileges, but upon enlarged and enlightened views of what is necessary for the public good. If they think it not necessary to yield to the first impulse of popular passion, I believe they are not only satisfied in their own consciences that they are doing what is right, but I believe they will be supported by such a mass of public opinion in this country—by such a preponderating mass of the intelligence and public opinion of this country—as will long secure the British Constitution from the dangers which some appear to apprehend. There may be gusts of popular passion directed against the House of Lords; but I firmly believe that our mixed form of Government is rooted in the hearts and affections of the people, and when they reflect what mighty changes in legislation have taken place in the last eight years, they will not believe that the House of Lords have set themselves up as perpetual barriers against the reform of all abuses—as is most unwarrantably alleged. I believe, that the more the Lords are threatened, because they will not yield or adopt particular opinions, the more that hold will be confirmed which they justly have—upon the respect and the affections of the people of this country.

The *Chancellor of the Exchequer:* I entreat of hon. Members to consider whether a much better reply than any I could presume to offer to their consideration, has not been supplied by the right hon. Gentleman who has just sat down, whether it has not actually been furnished by himself, and whether he has not afforded in his speech a refutation to his own charge against my noble Friend. The right hon. Gentleman began by regretting that there was no notice of this proceeding, that there was not a calm and deliberate consideration of a difference between one branch of the Legislature and the other, that we should have proceeded with this at once, and without notice; and he declares there ought to have been a postponement. Now, Sir, I ask, has this House been taken by surprise? Has there been nothing known of this Bill in the House till now? On the contrary, at this period of the session, this advanced period, is it not clear from the attendance here, from the conversation out of doors, that the course now adopted was known to be the course likely to be pursued upon the present occasion, and is felt to be the course most consistent with sound policy and public justice? And I must add, that it appears to me, even according to the arguments of the right hon. Gentleman, it was absolutely necessary for the Government to take this course, and it could take no other. The right hon. Gentleman has said in the course of his speech, that he was not prepared to declare that any benefit could arise from a postponement of the discussion; on the contrary, that a postponement of the discussion would be likely to raise feelings which might hereafter increase the difficulties, and multiply the obstacles in the way of the adjustment of this question. Undoubtedly, in stating this, the right hon. Gentleman was quite correct; for if that which we are now debating were to be put down for discussion this day se'nnight, instead of leading to a more permanent settlement, it would be more likely to give excitement to feelings rendering that settlement more difficult. Does, then, the right hon. Gentleman complain that we have not delayed the notice of this subject for a week, when that delay would not aid the views of any party in this House? The right hon. Gentleman knows it: he feels that this is the best course that we could have pursued, and it is one by which we are ready to abide. I mean no disrespect to the House of Lords; on the contrary, I look to their amendments, and I find that they justify the whole course we have taken. We have had notice sufficiently notorious of what was done by the Lords. We know by the journals of the Lords what has occurred; we know that, upon a vital question, they differed from us: on that point we know that they are not likely to agree with us. We know the course they have adopted, and we knew in advance the course they would adopt. At the commencement of the present session there was a discussion upon the very point on which we differ—the amendment to the Address. The Lords discussed, and considered, the reasons offered in support of our views, and the Bill has now been returned to us from the Lords on that very point. Have the Lords ever held out to us the expectation of their taking another course? Could we look to the arrangements of those differences, with the views they maintained? No; and in the sentence to which the noble Lord has alluded, and to which I attach great importance—in that sentence, in which the Lords speak of some period (I hope not a very distant one), in which those differences may be settled—they fairly tell us that they cannot yield upon that point to which we attach so much value. When we know that they have long been decided upon that point—a point upon which a majority of this House stands pledged—it would be childish, worse than childish, it would be mischievous, if we did not take a course to vindicate our principles, and justifiable in reference to our own dignity. We have in doing so taken a course the least likely to embitter the differences between us and the other House. I have stated the progress of this question, and I have stated the reason for now settling it in this House, and the only reason I can imagine, which would justify the postponement would be to do that which we certainly are not disposed to do, to recede from the principle of the Bill. The right hon. Gentleman has referred to the majority of forty-one in support of the Address. But does it rest there? That majority of forty-one was subsequently converted into a majority of eighty-six, and this, too, after repeated discussions on the Bill. Here, in maintenance of the argument, I trust I may be allowed to offer some reasons, which may support the hopes of the people of Ireland; and that they may with confidence look forward to the future adjustment of the question to which I refer, let them look to the elements of which that majority was composed. How often has it happened that those who have asserted that the Irish are aliens in blood, and who by so asserting were injuring the British connexion, how often has it happened that by them the majorities in this House have been analyzed and displayed? How often have they attempted to raise invidious distinctions? How often have they declared that the Irish Members at one time, and the Scotch Members at another, outweighed the English Members, as if they were not all equally Members of Parliament? How often has this been done by them to raise distinctions when it suited the advocacy of their own opinions? The persons who have done this wish it now to be believed, that such national distinctions are no longer to be noticed. The answer to them is, that it is not only for such persons, but it is especially for the people of Ireland, for those who have been led to think that justice could not be procured in an English Parliament, that I have to tell them that the free votes of British Members declared that an end should be put to these abuses; and that the majority is increased to that number from forty-one in consequence of the invidious distinctions they sought to perpetuate. I proceed now, Sir, to another branch of the argument. The right hon. Gentleman has stated, that we have no right to ask him respecting the sentiments of his colleagues—that we have no right to suppose that the opinions that have fallen from another are his—that he is only responsible for his own opinions. Let me then entreat the House not to take the version of my noble Friend's opinions from the commentary which the right hon. Gentleman has passed upon them. Attend to my noble Friend's speech and not to the commentary. The right hon. Gentleman charges, not an individual merely, but a Minister of the Crown, with a breach of his duty, for declaring, that danger menaced the British Constitution. That was not my noble Friend's observation, nor his argument. What did he state? That, upon a review of the facts, he saw no such danger to exist. Why did he state that? Because he is confident, and the confidence he expressed is my own confidence, my own hopes, that the Irish will yet receive justice. I cannot, Sir, look to the past, without being confident of the future. It is not the first time that good measures have been intercepted in their advance to the Crown by the unworthy delays, or unnecessary jealousy, of a party. In the language of the right hon. Gentleman, powerfully as it has been used upon this occasion, and in the general sentiments expressed by him, I agree. But suppose that language had been used with respect to a vote of the Lords in 1829, when he wa the able and successful advocate of th Roman Catholic] question; suppose th he had experienced his hopes checked b a majority against him upon that questio as there had been in former years, if su an appeal were made, would he still belie they would continue of an adverse opinion Now, such general declarations could n have defeated him, because he might hav relied then, as I do now, that in a jus course, if the House of Commons stan upon that alone, and if they are supporte by public opinion, if they stand upon measure of honest reform, though defeate for the time, still there is a certainty tha such a measure will pass into law. It i therefore my confidence from what I know from that which has past, that I think ther exists no danger to the British Constitution. I feel that there is no danger to b apprehended for the British Constitution but, as was rightly said of the Catholi question, there is danger in the postponement of the reform demanded. Upon the reform question, I might appeal to th right hon. Gentleman himself for his knowledge of this fact. There were then appeals like those we have heard to-night We were then told, as we have been tol in this debate, in answer to such appeals that power and dignity cannot and ough not to arrest the progress of liberal legislation. [Sir *Robert Peel:* Who is to decid what liberal legislation is?] Perhaps we ar not the right judges of it. The right hon Baronet excepts to our judgment on thi point, we question his; but it so happens that on all great questions the right hon. Gentleman has been against us, and ha been wrong. Upon the Test and Corporation Acts he was against us; upon th Roman Catholic question the right hon Gentleman was against us; upon the Reform Question he was against us; upo Municipal Reform he was in many of it leading principles against us. Undoubtedly he felt that he was thoroughly right but the difference is, that in the long ru we succeeded, and the right hon. Gentleman did not. The experience of the pas is with us; but the weight of authority I am willing to concede is entirely with him We have even dragged him with us, an we have had his reluctant support. O the many converts we have made, th right hon. Gentleman himself is one, an when we have been able to convert hi more than once, let us not despair that w shall be able to convert him again. Th right hon. Gentleman must see that, in questions between the two Houses of Parliament, the public at large exercises an ultimate authority over both. It measures the proceedings, as well as the ability, of the Senators; it refers to principles as well as speeches; and to the principles of which it approves it gives such force and support in Parliament, that there is nothing which can ultimately resist them. These are the hopes which I hold out to the people of Ireland; I tell them first, "we have fought your battle in this House;"—and, by way of parenthesis, in answer to the taunting observations that have been made respecting English Members, I tell them, that if there had been even their unaided votes to support them, those unaided votes could have defended and maintained the liberties of Ireland. I tell this for their consolation also—for I wish to temper with consolation the severe lesson that has been inflicted upon them, for I well know that "hope deferred" with nations, as with individuals, "maketh the heart sick." I think it impossible to conclude the observations which I have felt it to be my duty to make, without saying again, that I trust the public at large, and those who read history hereafter, will do justice to the moderation and calmness evinced by the House of Commons, when the principles for which we are contending are in peril, when a mighty stake was at issue, and that, confident in the support we must receive, we abode by principles which to their fullest extent we have embraced, and that having so resolved, we never will abandon those principles.—Discharging our duty to the people of Ireland — we never will abandon the pledge we have given in resisting a repeal of the Union to do justice to that country. On the present occasion we redeem that pledge by the course we are pursuing. With respect to Municipal Reform, we have not at once succeeded, because there have been exaggerated fears of personal antipathies, and religious apprehensions, though scarcely avowed, which have stopped that measure. For Scotland Municipal Reform was carried almost without a division. For England it was carried after some discussion; and I thank much the right hon. Gentleman for the assistance he gave upon that question in the last session. I remember well the right hon. Gentleman, at a late period of the year, deserting pursuits which are more congenial to my taste, and I believe more so to his than legislating in the dog-days, and offering in his place to assist us, and giving us the great weight of his authority in procuring a good measure of municipal reform for England. I regret that the right hon. Gentleman is opposed to us when a similar measure is to be applied to Ireland. If there be any difference between the course we then pursued and that which we are pursuing now, it is that, having greater difficulties to contend with, we are disposed to make larger concessions than we did then; but those concessions are in vain,—they are urged against us as objections; and thus every effort we make at conciliation becomes only a new bar to adjustment. One observation more with reference to a particular argument which has been used on this and a former occasion. It is said that we have inflicted a wrong upon Ireland, because we have endeavoured to make it compulsory on the people of Ireland to adopt the Act of 9th Geo. 4th. That Bill was long under discussion between my right hon. Friend, the Member for Cambridge University, (Mr. Goulburn) and myself. We took the whole Bill as it appeared in the Irish Office. Lord Melbourne was then Chief Secretary for Ireland, and though he could not hope to pass it that Session, still it was introduced, and it was carried in the next Session. The imputation against us is, that we compel the people to adopt the provisions of that Bill; but there was originally a clause in it, to the effect that in all cases where the population was 5,000, the Lord-Lieutenant might positively direct the Act to be carried into effect without waiting for the decision of the inhabitants. It was varied in the next year, because in that case we were not dealing with corporate property — we were not overthrowing existing corporations,—and I thought, therefore, it was quite fair to leave it optional with the parties to accept or reject the Bill, as they thought proper; but now that we are unanimous in destroying them, I think we ought to be equally so in determining upon a substitute for them. In order to give the means of administering the corporation revenues, it is absolutely necessary that there should be an authority established contemporaneous with the destruction of the Corporations which are to be put an end to. That is the reason why it is requisite to make the adoption of the 9th Geo. 4th, compulsory on those towns. I feel every confidence we shall ultimately succeed; I look upon this only as a postponement; I feel every assurance that in adhering to the measure with the same temper and firmness as we did to the English Bill last year, public opinion will accompany and support us, and that sooner or later we shall succeed. I say, and trust we shall do so, soon; for this measure carried next year, will not bring with it all the benefits that it would carry, if conceded this. Let us be wise in time. I remember when Mr. Canning argued the question of the independence of the Spanish colonies, that gentleman, being reproved for not having adopted a particular course at a particular time, said "Time is everything;" and I say, too, with respect to concessions made by the Legislature to the people, if we would have them looked upon as acts of grace and favour, time is everything; the manner in which a concession is made causes it to be either more or less gratefully received. I have no more fear than my noble Friend has, of danger to the Constitution. I shall visit my friends in the great towns in Ireland, and tell them not to despair, but to hope, and to trust that the same Legislature who repealed all Catholic disabilities, will also put an end to a system which no man living under it can support.

Mr. *O'Connell:* Sir, I have no apology to offer, and I believe the House will admit that I stand in need of no apology for presenting myself to its notice on this subject. I confess that my first impressions of what has taken place this evening were of a nature that I would rather have suppressed them than given them utterance. I do not think that it ever fell to my lot to hear a more unstatesmanlike speech from the right hon. Baronet than that which he has just uttered. That upon an important question like this the right hon. Baronet should stand up to advocate delay, under the mere formal pretence of having the Lords' reasons and amendments printed, was in itself quite astonishing, and showed the weakness of his position and of his arguments. But the right hon. Baronet immediately answered himself on this very point, by detailing the unhappy consequences which would result from prolonging this discussion. He answered himself admirably, and his prudence in avoiding to press for another division upon this question was equally to be admired. The right hon. Baronet recollected that the former division of forty-one had lately swollen into eighty-six, and he feared that on another division the majority would again be doubled. But whilst I admire the right hon. Baronet's prudence in this matter, I do not think he has shown himself equally prudent in standing forward, as he has done to advise the House of Lords to persevere in the course they have taken up. If the people of England were to rally round the House of Lords and the Crown in this matter, as he says they would, what chance of justice would remain to Ireland, but in a repeal of the Union between the two countries? The right hon. Baronet adopts the House of Lords, he becomes a participator in all their outrages against Ireland, and when at last the seven millions of people who are wronged in these Acts are driven to rank themselves in open hostility against their Lordships, the right hon. Baronet flatters himself that he may calmly take up his position and direct the storm. I know all this may be sneered at, but we are in a temper to bear it. Scotland obtained her measure of Municipal Reform two or three years ago; England her's last year; and this year Ireland might have had her's at the time this Bill went up to the House of Lords. It has been admitted on all hands that the Corporations of Ireland have become grossly corrupt; that they have been perverted, even in the administration of justice, to party purposes and unblushing partiality. All this has been admitted; even the hon. and learned Recorder for Dublin could not deny it; and yet all this is to remain for another year at least. I appeal to the people of England whether it is just that things which no man has had the audacity to defend should be continued in Ireland for two years after similar abuses have been swept away from England? I know it may be said that there was not time last year to pass this Bill for Ireland. But look at the fate of the Bill sent up to the Lords this year. What have they done with it? They have cut out all the essential principles of it, and they return it to us a measure for destroying all that at present exists, without substituting any thing in its place. I tell the right hon. Baronet that the people of Ireland will not be content with the 9th George 4th; and there is another thing, namely, the appointment of sheriffs, which they will never consent to give up. I do not mean the absolute appointment, but the choice of three, out of which one is to be chosen, and with power to reject; this is a right which the people of Ireland do and will demand. Look at the position the case is brought to, and it is you, the Opposition, who have done all this. It is you who have done this injury to Ireland, declaring that she shall not have what England and Scotland are permitted to enjoy. It is you who have adopted the man who said that the people of Ireland were aliens in blood, aliens in religion, and aliens in country to the people of England. It is you who have injured the people of Ireland, and then insulted them. And then you talk about avoiding agitation. You may have got rid of the normal schools of agitation, but wait till you see what finished agitation you will soon have about you. For from the hour in which I stand here till I see corporate reform in Ireland, I promise you you shall have plenty of agitation. With the exception of a very small faction, whom I may call the ascendancy faction, there is not an Irishman who will not take offence at the condition to which you have attempted to reduce them, and I should despise the man who did not feel the force of the insult. That you injure us no man can be surprised, but that you should insult us also, and with impunity, is not to be credited. The right hon. Gentleman need not take the trouble of going through the towns of Ireland; the towns of Ireland will meet in the open day—there will be no secrecy in the matter—and organise their system for the peaceful agitation of their rights and character. We will do so, and you ought to despise us if we did not. As to these reasons, as they are called, of the House of Lords, cant and hypocrisy could not be carried further. I actually blushed for Ireland when I heard a noble Duke read them in the other House. Oh! what a state of misery and degradation are we reduced to, that you cannot meditate an act of injury against Ireland but you can find one who was born within her shores to assist in perpetrating it. What hope has Ireland now? The pledge of the House of Lords! Why, the Peers have violated their pledge a thousand times. All disguise has now been thrown off by them—all the disputes about petty details have been thrown overboard; they have come to the principle, and the principle they reject also. The right hon. Baronet halloos on the House of Lords to persist in rejecting this principle, and then he tells us that their Lordships represent the people of England; and, moreover, he finds out that they have a responsibility also. But the right hon. Gentleman is a plagiarist. A responsibility! so, too, has Mehemet Ali, who told his people, "You are all represented in me; and as to responsibility, Mahomet be praised, I am responsible to God!" This is the tyrant's responsibility. If I were disposed to be profane, I should like to know how we are to bring that responsibility to bear—how to make it avail in human affairs? If their Lordships are quietly resigned to endure the punishments of the next world, for having done all the mischief they can in this, hurrah! for their Lordships' responsibility to God—hurrah! for the high priest and the prophet of Mecca! After all, perhaps, you are right. It is almost impossible to speak of the subject without approaching the profane; but it is him you should blame, and not me; blame him who treated us, in the first instance, to this mighty theological discourse on the responsibility of the House of Lords. But, can there be anything more pitiful than such an argument? The House of Lords are indeed responsible—responsible to the people—and to them they must account for their actions, and the true motives of their conduct. They shall not hide it under the cloak of a difference in religion. If that be their reason, let them speak it openly; let them declare that we are irreligious aliens, and mentally inferior to this country; but they shall prove both of these assertions if they make them. The right hon. Baronet then went on to talk about the British constitution. What is a constitution? It should be more than words—it should show itself in matter, and for the good of the people. I have said that the right hon. Baronet's speech was a most unstatesmanlike one; and why is it so but because it does not contain a single statesmanlike reference to the actual position of affairs, and the feelings of the people upon this great question? The Lords did not dare to mutilate the English Corporation Reform Bill to so outrageous an extent, and for this very simple reason—they saw the organized and menacing determination of the people of this country, and they were afraid to meet it. But the Lords do not fear the people of Ireland, and therefore they refuse to do them justice. That is the real reason of their conduct. Every one knows that it is almost impossible to suppose that a Bill of utility to Ireland can ever be passed into law. If you talk of bringing in such a measure, the answer immediately is, "What possible chance have you of passing it through the Lords?" But is there really any one so insane as to suppose that this can last for ever? Having succeeded by dint of peaceable agitation in obtaining one portion of Catholic emancipation from your hands!—yes, a portion, for, after all, that Act was but a part of the justice we looked for—having forced that part from the right hon. Baronet and from the noble Duke, who in 1828 talked about conquering Ireland with the sword, and in 1829 found it more agreeable to put it in the scabbard—I tell you that the people of Ireland defy your menaces for the future. Neither the noble Duke nor your minority shall ever be permitted to trample upon Ireland with impunity. In the name of the Irish people I give you this defiance. Do not think that I mock you when I talk so to you. I tell you that if you refuse to do justice to us, we are able to do justice to ourselves. I have given up the agitation of the question of the repeal of the Union, and now see what an argument you have given me in support of it. See the large majority in the House of Lords, and the minority in the House of Commons, both denying justice to Ireland, and the leader of the Opposition party absolutely identifying himself with the majority in the Lords—that leader himself having made a brief and vain attempt at Government last year, with the No Popery flag floating over his head. I know there are men who, because they see a person obey the mandate of what he fancies to be a superior authority, charge him with the want of personal, though I defy them to deny him moral courage. Let them try this experiment a little longer, and I tell them, that there is not one man in Ireland, with the small exception I have somewhere else alluded to, who would not die ten thousand deaths rather than submit to the insult which is now attempted to be put upon them. I know the present Government are disposed to do all they possibly can in order to obtain justice for the people of Ireland. Let my support of them be misrepresented as it may, I shall support them, because I know there is no alternative between a system of uncompromising despotism in Ireland, and the maintenance in power of the present Ministry. I repeat, that there is not a man in Ireland who can read, and we are more fortunate in this respect than you are, but will read the account of these proceedings, and instantly demand of the Parliament to wipe away the insult which it has put upon him. The moral courage of a whole people will unite, and peaceably, quietly, but irresistibly demand one of these two things—the repeal of the Union, or justice to Ireland from the British Parliament. For my own part, I shall continue the experiment I have entered upon, of obtaining justice for Ireland without a repeal. I shall persevere in that experiment as long as it seems to be compatible with justice to my country, and no man would pardon me if I were to go further. This is my determination. In the meantime you have heaped insult upon injury, the iron has entered into our very souls; but you will find that we are not unresisting victims, and that you can not continue this career with impunity.

Mr. *Milnes Gaskell* said, that the hon. and learned Gentleman who had just sat down had commenced the speech which he had addressed to the House by telling them that he owed no apology for so doing. After that speech of the learned Gentleman no English Member owed an apology to the House for following his example: after that speech, no declaration of attachment to the Constitution—no disclaimer of participation in doctrines now openly avowed, and tending to subvert it, could be looked upon as uncalled for. He was prepared for strong and exciting language on the part of the learned Gentleman, but he owned that he was not prepared for any declaration of intention, so plain and undisguised as this—he knew that it had served the purposes of certain persons out of that House to calumniate and decry the other House of Parliament, but he owned he had not expected that they would have been gravely told by Gentlemen sitting there, that an act of usurpation was to be committed on the composition or on the functions of the House of Peers. He believed, that those who were parties to this project were labouring under the strangest misapprehension—he believed the great body of the people of this country were, to say the least of it, as anxious to preserve unimpaired, the independence and the privileges of the House of Peers, as they were to ensure to that House the full and undisturbed exercise of its own functions. The Gentlemen opposite might doubt the truth of this assertion, but if they would but prosecute their researches beyond the precincts of political unions—if they would but take the trouble to inform themselves of the state of feeling and opinion that prevailed in our agricultural districts—if they would go into the counties of England—not to Devonshire, Staffordshire, or Northamptonshire—but to Essex, Warwick, and Merioneth, they would find that there were still thousands of those ignorant and deluded men, who, if it was a crime to love the Constitution, would take good care not to repent of it. The hon. and learned Gentleman had talked in his usual strain about the rights of the people of Ireland—he forgot that the people of England had their rights also—that the independence of the other House of Parliament formed a portion of those rights, which they would never abandon to please him, and that the hereditary right which the Peers of this country enjoyed was to them as good a right as that of the Monarch to occupy his throne, or that of the hon. and learned Gentleman to sit in that House as the Representative of Kilkenny. He (Mr. Gaskell) knew not what the Irish reading of the Constitution might be, but the English one was this—that the right of the other House of Parliament to amend, to modify, or to reject any Bill upon any subject, which that House might send up to them was as undoubted and as clear as the right of that House to originate Bills and desire the acquiescence of the other branches of the Legislature. He knew not what the learned Gentleman might think about the theory of our form of Government, but he would remind him that it was at present a Monarchy—controlled by one assembly, which was independent of the people, as well as by another which was elected by them; and if Gentlemen told him that two such assemblies could not act in concert, and solved their difficulty by deciding that one House of Parliament should usurp the functions of the other, why then they admitted, that such was the infusion of democracy in our institutions, that such was the fatal and unforeseen effect of their own Reform Bill, that they had no alternative but to make the Constitution what Mr. Canning called a crowned republic, and to strip it of every attribute that belonged to it as a limited Monarchy:—but he (Mr. Gaskell) said, God forbid that that House should become the sole Government of the country, that instead of a third and co-ordinate branch of the Legislature, it should presume to usurp other functions than those which the Constitution vested in it, and dare to act by its own single and uncontrolled authority. Against such an assembly he was persuaded that the prerogatives of the Crown would be of no more avail than the privileges of the Peers. Gentlemen talked about the rights of the people, as if the people had no reciprocal duties to perform—as if there were nothing in this world but abstract political privileges, and no corresponding duties of tranquillity, and contentment, and obedience to the law. Those were the worst enemies of the people who used this language—language that struck at the root of civil government, and put a premium upon outrage and sedition. They were responsible for the consequences which they charged upon them (the Opposition), whether it was for the blood shed at Inniscarra and Rathcormac, or for the agitation and violence in this country which they strove to foster. And what was it, he would ask, but agitation and violence, by which the other House of Parliament was now sought to be assailed? They were told that this was a question of time, that they had no alternative—that they must pass this Bill—that the people of Ireland would have it so—that the mandate had gone forth,—and that they must yield to their apprehensions, what they had refused to their sense of justice. It was not for him (Mr. Gaskell) to presume to say what course the other House of Parliament was likely to adopt, when this question was again brought forward; but this much he thought he might safely say, that, looking at the experience of the last few years, they were not likely to become impressed with a belief that extorted concessions were the means of quieting agitation. The advisers of his Majesty thought otherwise, and in obedience to the wishes and the passions of the Irish Roman Catholics, excited almost to madness by the Gentlemen opposite, they were called upon to reject the solemn and deliberate opinion of the other House of Parliament, and to persist in the rejection of this Bill; but he hoped that the King's Ministers,—he hoped that those who had refused to abolish the Corporations of Ireland,—who had refused to redress the grievance which they had themselves described as so intolerable,—and seemed resolved to perpetuate the nuisance they were invited to destroy, because they had no power to legalize as well as to establish the ascendancy of the Roman Catholics in Ireland,—he hoped they would not seek to charge upon them (the Opposition) the responsibility of their own refusal. If they did this, the people of England would understand—what the people of Warwickshire already understood—that when the Gentlemen opposite talked about the redress of grievances, what they meant was the continuance of agitation. But this was not the real ground of cavil and of objection against the other House of Parliament. It was not because they had refused to do justice to Ireland—it was because they had refused to vest additional power in the hands of the learned Gentleman, to be wielded for the learned Gentleman's purposes—it was because they had refused to hand over the Protestants of Ireland to the absolute dominion of men, who were honestly and conscientiously opposed to the integrity and stability of the empire—that they were branded as miscreants and liars at the meanest, the dirtiest, and the most seditious meetings that were ever held in England. He knew not what course his Majesty's Ministers would hereafter take upon this question—whether they would take that of rigidly insisting on what they called the principle of the Bill, or meet the other House of Parliament in a fairer and more temperate spirit than that which had characterised the speech of the noble Lord (Lord John Russell). The people of England would watch their conduct, and would not fail to recollect that when the noble Lord, the Secretary for the Home Department, announced the intention of his Majesty's Government to oppose the motion of the learned Gentleman with reference to organic change, he coupled that assurance with an intimation which was much more palatable to his friends about him, viz., that he should also have opposed the motion of his (Mr. Gaskell's) hon. and learned Friend, the Member for Sandwich, (Mr. Grove Price.) A few months would serve to show whether the King's Ministers were indeed the united party which they professed to represent themselves, but which the speech of the hon. Member for Middlesex indicated that they were not likely to remain. A few months would serve to show whether they were sincerely bent upon "carrying out," as it was called, their reforming principles—whether they had taken office that they might uproot the Protestant institutions of Ireland—establish Roman Catholic Corporations in that country—and overbear the constitutional authority of an independent branch of the Legislature, or whether they intended to adopt a course much less dangerous to the country, but at the same time less creditable to them, that of shrinking from the legitimate consequences of their own violent conduct, and calling upon their political opponents to protect them against their friends.

Mr. *Roebuck:* I confess, Sir, I am not surprised at the course which the Lords have taken upon this Bill. To me it appears the natural consequence of the present state of things. I all along expected that the Lords would throw out this Bill, because they have opposed themselves to each successive measure of reform as it has passed this House during a long period; and, reasoning from the experience of the past, and from the nature of the body itself, I all along expected that the Lords would follow their natural disposition, and throw out this Bill; and I say, that the House of Lords, in throwing out this Bill, have not acted against their own interests; I believe they have acted wisely, as a body of men, not interested in the good government either of England or of Ireland, but as a body whose interest it is, to gain the largest possible plunder which they can from the people of this country. ["*Oh, Oh.*"] If we erect a body of men "responsible," forsooth, "to God alone," we shall find, that unfortunately they will follow their earthly interests, that their heavenly interests will be forgotten in their earthly, that they will cling to the things of this world, ["*Oh, Oh*"] and that, in short, that "heavenly responsibility" which the right hon. Baronet, the Member for Tamworth, talked of, will be no responsibility at all. They will be, in conformity with their own interests, as they ever have been, the stedfast, and I will say, the courageous opponents of all reform. Reforms are opposed to their interests, therefore, they must ever oppose reforms. I don't blame the Lords, I have no epithets of vituperation to bestow upon them; they acted rightly in throwing out this Bill, they were labouring in their vocation, they did as they ought to do, in following their vocation. Whose is the fault? It is not the fault of the Lords. The fault, Sir, is in the institution; and I expect, that, by a series of these precious experiences, the people of England will at last come to a right appreciation of that institution. Of the men, I have no complaint to make. I care not whether there be some there who began life as wild and furious democrats, and who are now acting in the ranks of so called conservatism. If you place men in such a position, the labour which mankind must undergo to effect improvements will be long and tedious. I have waited long for that growing hatred to the Lords which must arise from a repetition of these injurious experiences. If it be any satisfaction to their Lordships, I am frank to confess my belief that if the people of England were polled to-morrow, the majority would be in their favour; but I also believe, that so rapid a change in the feelings of a people, respecting any of their institutions, never took place, as that which has taken place with respect to the House of Lords in this country, within the last five years. I believe that from the conduct of that body, shown lately more clearly by various circumstances; experience has been rapidly gained by the people of England, which has already taught the more sagacious of them of what use the Lords are; and that the rest of the community will soon learn a similar lesson. Time will thus effect that revolution which is necessary for the good government of England, the total extirpation of the irresponsibility of the Lords. Until that period we shall always be subjected to these checks in the business of Parliament. Last year, as a humble prophet, I said in this House, that I should be in the same place next year, saying the same things regarding the House of Lords, for having rejected what was desired by the people of this country. And the event has completely fulfilled my prophecy; here we are, despoiled of all that we had, after long and serious debate, effected for the good of the people, by an irresponsible branch of the legislature, whose interest is, and ever will be, to keep back improvement, in this country. Tell me not it is for their interest to exercise their power for the good of the people—such has never been the interest of an irresponsible body. I care not that you may find in that body (as undoubtedly you may) men of extraordinary character, standing up above their fellows as bright and brilliant phenomena, who may use their efforts to maintain good government. The usual, the general course that such a body will pursue, is, to provide for its personal interest by peculation. And this is what the Lords have done, universally done, from the time at which history gives us the first account of their proceedings, to the present hour. [*Loud cries of* "*Order*," "*Chair*."]

The *Speaker* called the hon. and learned Member to order.

Mr. *Roebuck:* I am glad, Sir, you have called my attention to the orders of the House; it is not my intention to apply language to others which I would not wish to have applied to myself. I have no wish, Sir, to speak of individuals. I am speaking of the system which unfortunately does exist; and in characterising the conduct of the Lords in past periods some allusions may possibly apply to their present conduct; but I am speaking of the House of Lords historically; I am not I think out of order in that. I am not speaking of the House of Lords as at present existing, but of that House as a body. And, Sir, of that body I am prepared to say, (not believing that in this they are peculiar, but that any body of men placed in the same position would act in the same way, of that body I am prepared to say, that they have ever followed out their own private personal interest, that they have always endeavoured to secure for themselves power over the people because it was their interest. In the stoppage of this Bill, there is only one thought that grieves me. And that is lest the real friends of the Irish people should be unable to curb that already too long oppressed nation; to prevent any violent outbreak upon their part—to keep them from demanding that which I believe would be but a fruitful source of misfortune to them, the Repeal of the Union. At the same time, I am ready to acknowledge to my hon. and learned Friend, the Member for Kilkenny, that if he cannot get justice for Ireland from England, she would have a right to try whether she can obtain it for herself. I should look upon the Repeal of the Union, however, as the greatest evil that ever befel this community, or the people of Ireland themselves. To me it does seem that two nations, united as I believe them to be in feeling, united in language, united almost by blood—two nations so closely connected, and so near to each other, are best placed, for their own interests under one Government. But if it so happens that the larger portion of this empire shall withhold good government from the smaller portion, the latter may acquire a right to vindicate to herself that good government which she is thus denied at any risk, at the risk even of separation. And the only alarm that I feel is, that the people of Ireland, stung as they have been by insult and injury, may make the determination no longer to feel faith in this House, in the Government, or in the English people. But I do hope that, despite all their injuries and insults, they may be enabled to listen to the calm voice of reason,—to the voice of their best friends,—of those who have adhered to their cause through long years of peril and suffering. I hope that my hon. and learned Friend, the Member for Kilkenny, may have that influence over them which he has so long exercised, to restrain their indignation. For I believe that so incensed are the great mass of the Irish people at the injuries and insults which they have endured, that they would by one word from my hon. and learned Friend, be raised into open insurrection, and I believe that to my hon. and learned Friend we shall owe the tranquillity of Ireland. But I must say this, that when I hear persons talk of language used in the other House of Parliament, my humble opinion is, that though some individuals may have chosen to express themselves rather too freely, perhaps to gratify their own particular feelings, and though it might have been hoped that they would have governed their feelings, and controlled their language, yet that those expressions were the result merely of that excitement, which we know sometimes engendered in debates on this subject. I should have expected, however, that these expressions would not have been maintained, that some friend of the party might have been deputed to disclaim any intention of insulting the Irish people, or that some explanation might have been afforded. Sir, I conclude by repeating, that I believe we shall be annually subjected to these impediments and checks in business, so long as we are a Reforming Parliament, by the House of Lords, and that, if the people of England wish us to continue a Reforming Parliament, they will aid us to put down that irresponsible body.

Mr. *Dillon Browne* said, the hon. Member who spoke before the hon. Member for Bath, delivered, in my opinion, a most amusing speech; he gave the House a dissertation upon law—he talked of Irish rights, and giving a reason for denying them, and said, " Why, Englishmen have their rights too." The hon. Member spoke of political duties, and he enumerated amongst them peace, happiness, and contentment. The hon. Gentleman also spoke of compulsory voluntary donations. Now, I do not know which to admire most, the law, the metaphysics, or etymology of the hon. Gentleman. What is the question before us? Whether Ireland (I use the repudiated term) shall have justice or not? —whether there shall be a union or not?—whether she shall enjoy English rights and institutions, or be dishonoured and degraded. There was much warmth on the Opposition side during this debate. Why? Because hon. Members calculated on a different result—they thought they might change their position, and sit on this side of the House, and that his Majesty's Government might be induced to resign their trusts; but I trust that no false delicacy will induce the Ministers of the Crown to desert their posts, and forget the duties they owe to their country. What species of government might we then hope for? In all probability we should have the noble Duke at the helm of the State. I shall not call him an alien in blood, but though an Irishman, I believe he does not triumph in the accident of his birth. We should have him performing in his double character—for while he advocated Church monopoly in another place, he would, with the dexterity of a ventriloquist, speak the same sentiments through a certain hon. Baronet in this House. We should have two hon. Baronets in this House answering sophistry by argument, and what species of government might we hope for for Ireland? We should have, secretary to that country, a right hon. and gallant, and worthy Baronet, ready booted for tithe-campaign; and, perhaps, we should have the noble Lord, the Member for Lancashire, by a special act of favour, viceroy in that country, whose affection for the Church, and whose advocacy of Reform, form one of the strangest anomalies I have ever read of in the history of a statesman, and whose political career strongly reminds me of those grotesque figures which we read of in the Italian writers, whose bodies were half reversed, for while his feet were moving in one direction, his heart and head were turned in another. Oh! I trust that his Majesty's Government will not, through a false delicacy, deliver us into the power of those men. Under the auspices of the present Government, the political horizon of this country, which is now charged with so much mischief, may assume its wonted serenity, and after the dust and confusion of present contentions shall have passed away, justice shall be done to Ireland, and order to the British State.

The question agreed to. Lords amendments to be taken into consideration in three months.

SLAVERY IN TEXAS.] Mr. *Barlow Hoy* was anxious to know from the noble Lord, the Secretary for Foreign Affairs, whether he had received any communication relative to the establishment of Slavery and the Slave-trade in Texas.

Viscount *Palmerston* observed, that the inhabitants of Texas were in a state of revolt against the Mexican Government, and the result of that revolt was not as yet decided. If the Mexican Government should succeed, they would, of course, enforce their laws on the inhabitants; but if the contest should have another result, and that there should be a separation of Texas from the Mexican Government, and their establishment as an independent power ensued, in such case, the laws of Mexico would not be applied. It was hardly necessary for him to state, that no communication could, under the present circumstances, take place between Texas and the British Government.

Dr. *Lushington* wished to ask his noble Friend a question with reference to Texas. He was desirous of knowing whether any information had been received of the importation of slaves from Texas into the United States. Though he believed there was no treaty between this country and the United States which could compel them to put an end to such a system, yet they were bound not to sanction a continuance of such a practice.

Viscount *Palmerston* replied, that no such information had been received by Government.

PAID AGENTS—MEMBERS OF PARLIAMENT.] Sir *John Hanmer* was surprised at the manner in which the noble Lord, the Secretary of State for the Home Department, had thought proper to view the motion he was about to submit; for, he would venture to say, that there can be no subject more worthy of deliberation, of more importance to the sacred interests that House represented, and ought to guard, nor which, when it was fairly laid open, would more deeply excite the interest and attention of the whole country. There was no circumstance which could cause him deeper regret than that this duty had not fallen upon one more accustomed to take a lead in public affairs than himself,—and whose talents would command greater attention; and the more so, as he feared that his motives might be open to some degree of misapprehension, although he totally disclaimed being actuated by any party motives. He appealed to all sides of the House. He put the matter to issue upon plain, straightforward, and constitutional views; and if anything fell from him which should appear of a personal or invidious nature, it must be attributed rather to his mode of delivery than to the purpose of his mind. He hoped he should act with all that courtesy and forbearance which was due from one Member of the House to another, but at the same time consistently with his firm determination of doing all in his power to put a stop to a practice which he considered to be derogatory to the character, and fatal to the independence of the House of Commons. On a former occasion, when, on the spur of the moment he brought this question forward, his observations were met by an allegation, that other Members of Parliament had acted as colonial agents here, and that there was even a decision of a Committee of the House in favour of retaining the post. The hon. Member for Bridport quoted these cases in a tone of such grave authority, that these precedents, and more especially the decision of the Committee, though it failed to make the same impression on him, which it appeared to produce upon other Members of the House, induced him to turn his attention to the point. He must first observe, that there was a great difference between the functions which Mr. Huskisson, and some other gentlemen exercised on behalf of the colonies, and those which the hon. and learned Member discharged; but when the decision of a Committee was quoted, he did think that the House, which was so punctilious in all matters that affected its privileges, must have at least appointed a Committee of Privileges to take the whole case of agency into consideration. But what was the fact? The decision referred to was merely that of a common Election Committee. The return of Mr. Huskisson for Liskeard was petitioned against, on the ground that Mr. Huskisson was a placeman and pensioner under the Crown. The case proved was, that he was an agent for the colony of Ceylon; and, as that did not make him either placeman or pensioner under the Crown, the Election Committee came to a decision which which was in his favour. This point, therefore, was a mere evasion, and not a decision of the case of the hon. and learned Member. Mr. Huskisson was an agent, and the hon. and learned Member was an agent; there was a river at Monmouth, and a river at Macedon. He admitted that up to the year 1822, there might have existed some suspicion with regard to these colonial agents, but he could explain the seeming negligence which prevailed in Parliament on this score, by stating that it was because those agents did not and could not interfere in measures that came before Parliament that they were suffered to hold their offices, and he could prove that this was the opinion entertained by those whom they represented, for when Mr. G. Hibbert retired from that House, he being agent for Jamaica, he wrote thither stating that fact, and so far were his clients from desiring that their agent should be a Member of Parliament, that they said, "We had much rather that you should be out of the House." He must further remind the hon. and learned Member, that it would not be sufficient to cast his suspicion on Mr. Huskisson; he must be prepared with his proofs that Mr. Huskisson had done something which was not constitutional, and if he proved that, what would he gain? He would merely prove that other gentlemen besides himself had infringed the constitutional law of Parliament by taking salaries for the furtherance of matters depending before Parliament. He quoted the words of the resolution of 1796. To come now to the facts of this particular case; the House of Assembly of Lower Canada last spring adopted certain resolutions, and the hon. and learned Member, to whom a salary had been voted by that body, made a motion in the Imperial Parliament on the 16th of May, in accordance with those resolutions, to effect an organic change in a branch of the Canadian Legislature. Now he would ask the hon. and learned Gentleman if he meant to say that he was accredited to that House, not from Bath, but Canada? He had heard it said by some hon. Members, not only that there was no danger in a Member of Parliament holding this office, but that, as far as Canada was concerned, whatever might be the merits of the abstract question, the rule ought not to apply. Now, he did not speak of small interests. The House remembered the case of Malta. What if the statement of grievances was accompanied by a retaining fee? Mr. Burge, however, who was the agent for Jamaica, had had no seat in the House for some years past, and yet what important questions were discussed in 1833, when he was not a Member of the House, relating to the slave question and compensation. They would seem, if ever such a claim could be countenanced, to have a right to have a Member of that House as their agent, in order to put their case in the most favourable point of view, but they did not retain one. They were content with the common constitutional practice. Did the many millions of our Mohammedan subjects employ an agent? They did so once, but the House should remember, that that was one of the strongest arguments for the Reform Bill. Did they remember the Nabob of Arcot, and the Rajah who had twenty votes in the House. The hon. Member was identified by opinion and by salary with a particular party in Canada, and could not take a wise and general view of the whole interests of the country. Sir Francis Head, in proroguing the Legislature of Canada, had alluded to the difficulty he had to contend with in attempting to conciliate parties. Of the impartial conduct pursued by Sir F. Head the House had heard. Suppose some individual had come to him, and had offered him a salary on condition of advocating the interests of a particular party, what would have been the public opinion of that officer if the news arrived of his acceptance of the offer? But he appealed not to precedent or example; he appealed to the *lex scripta* and to common sense. There was a regulation on the journals of the House, that the acceptance by any Member of Parliament of any fee, reward, or valuable consideration, for the performance of his duty in Parliament, was a high crime and misdemeanour. But he did not appeal to precedent; this case would become a precedent; and, if the House did not take care, it would have Members from every colony sitting in that House, and paid for advocating its peculiar interests. If this stream of irregularity ran on, it would bear down the bulwarks which the jealous care of the Constitution had raised. If the question were doubtful, it would not be difficult to decide on which side the scale should preponderate. On the one side was sophistry, on the other truth. He had brought the subject forward with a view of upholding the independence and purity of Parliament, and he respectfully submitted the resolution he proposed, "That it is contrary to the independence, a breach of the privileges, and derogatory to the character of the House of Commons, for any of its members to become the paid advocate in Parliament, for the conduct there of either public or private affairs of any portion of His Majesty's subjects."

Mr. *Roebuck* commenced by observing, that the resolution which the hon. Baronet had evidently taken much time to word, so that it might affect his (Mr. Roebuck's) case alone, unfortunately struck at many of his own friends. It was in consequence of the evidence given by some witnesses before the Committee on Canadian Affairs, which sat in 1827-28, that it was determined by the House of Assembly of that colony to retain an agent in Great Britain. For that office he had the good fortune to be selected; and he now heard it, for the first time, asserted, that the duties it imposed were incompatible with the situation he held as a Member of that House. The hon. Baronet had referred to the case of Mr. Burke, in 1770, as supporting his resolution, but it singularly enough happened, that it was upon the authority of that very case he founded his right to unite the duties of a colonial agent with those of a Member of Parliament. The only difference between Mr. Burke's case and his case was in the circumstance of the one being the agent for the colonies of New York (he was speaking of the year 1770, when New York was a British colony), and the other of the House of Assembly of Lower Canada. In the case of Mr. Huskisson he had another, and in some respects a stronger, authority in his favour. It was an undoubted fact, that the decision of Election Committees determined the law of Parliament, as to who were or who were not disqualified to sit in that House as Members; Mr. Huskisson, before his election, acted as the agent for the Island of Ceylon, and upon his being returned to Parliament he was petitioned against on the ground, among others, of disqualification by reason of his holding the office of paid agent for a British colony, whereby he was alleged to come within the provisions of the 6th of Anne, chap. 7, sec. 25. At the period in question appointments of this kind were new, and therefore the decision of the Committee was anxiously watched for and narrowly scrutinised. It was in favour of Mr. Huskisson. Now, between this case and his there was an essential point of difference; Mr. Huskisson was appointed by the Government of the Island of Ceylon—he was but the agent of the House of Assembly of Canada. He was not the agent for the colony, nor did he ever represent both the Legislative Assemblies of the colony. The two Houses disagreed as to who should be appointed, and the result was, that the House of Assembly selected him, and the Legislative Council the hon. Member for Taunton. As to the duties attached to the situation, he could assure the House they were alike important and laborious; in fact, they occupied nearly the whole of his time. He was required continually to watch the whole proceedings of the colonies, and of that House on colonial matters; and he was frequently required to give attendance at the Colonial-office—a branch of duty in which much valuable time was consumed. But he wished to know what was the difference between his case and that of the Governor of the Bank of England, or of a Bank or East-India Director? The hon. Baronet's resolution, if it affected him, must affect other hon. Members holding such offices. What was the difference between the two situations? Surely the Governor of the Bank of England, or a Bank or East-India Director, came into that House with as much prepossession in favour of particular opinions or particular doctrines on subjects relating to those Corporations, as he could be prepossessed on a Canadian question. If there was any difference between the two cases, it consisted in this, that as his connexion with Canada was a matter open, clear, and before the whole world, there was no danger likely to arise from his advocacy or vote on any particular question; while in other instances Members voted and advocated measures in which the public supposed them uninterested, but upon the result of which, in all probability, they had a heavy stake depending. How was it in respect of those two great questions—the renewal of the Bank and East-India Charters? Why hundreds of Members, who were far more beneficially interested in the result of those questions than he could be in the result of any question relating to the colonies, voted upon them. He contended, then, that if the proposed resolution was to be put in force, it would sweep from the House one-half of its Members. But he had even a still stronger view of the case to put to the House. If any set of persons had a right to complain of a Representative undertaking to manage the affairs of a colony, who above all others had it? Surely they were the constituency of that person. Now he wanted to know if his constituency had ever complained of his having been chosen the agent of the House of Assembly of Canada? He wished to know, moreover, if it was likely his constituents, had they disapproved of his acting as agent for Canada, would have paid all his election expenses? If his constituents thought his acceptance of the agency was a breach of trust, they knew well that, on their representing that opinion to him, he would have immediately resigned the trust they had confided to him. But, so far from this being the case, his constituents thought it a high honour to have their Representative so distinguished by a body of their fellow-subjects, and they even went so far as to express an opinion that, for his services to them, as well as for his services as agent for Canada, he ought to be remunerated, and he was quite of this opinion. He held it that the business of the people would never be well discharged till each Member received a salary for his services. The present was not, however, the time to discuss that question. He thanked the House for the attention he had received, and reminding them that Mr. Burge, Mr. Marriot and Mr. Holmes, during the time they were Members of that House, acted as agents for colonies, he would leave the case in their hands. As far as Parliament was concerned, the authorities were with him—as far as law was concerned, he was borne out—and as far as the question depended upon common sense, he left it to the House to judge.

Mr. *Harvey* could not help congratulating the hon. and learned Member for Bath upon his being able to support his case with reference to those of Governors and Directors—between whose positions and his he was free to say there was a strong analogy. He must, however, observe that it would give him much satisfaction to hear from the father of Parliamentary law, who took so prominent a part in the discussion upon his case some years ago, in what consisted the difference between it and that before the House. The fact was, he (Mr. Harvey) was the victim of the weakness of pretended friends, and the absence of those great names which the hon. and learned Member for Bath brought to his protection. Injustice, however, was not on this account the less pointed or the less painful; and unfortunately, the longer he lived, the more convinced he became of the persecution to which he had been subjected. From the first hour of his political existence he had been the victim of party and of prejudice, and so he found to the last hour of his life he should continue. Through the rancour of party he had lost 3,000*l.* a-year, though, if he had availed himself of the subterfuges others had recourse to, he might still have continued in its receipt. From the Tuesday night upon which it was decided by that House that his position as a Member incapacitated him from acting as a Parliamentary agent, up to that hour, he had not, directly, or indirectly, received the tithe of a farthing. Had others been as conscientious? Was there, or was there not, hypocrisy in a great deal of the political and moral feeling of which others so loudly boasted? He considered himself a wronged man, and how did he prove it? Why thus, for one instance. In the newspapers of that morning he saw an advertisement of a railway company, and appended to that advertisement, under the title of standing counsel, was the name of an hon. and learned Member of that House. Now what did the term "standing counsel" mean? It meant a man who stood, with both hands open, ready to receive a bribe on all occasions. He thought the hon. and learned Member for Bath was perfectly justified in receiving payment for his services as Canadian agent, and he had no doubt he gave an equivalent for it; but he could not help thinking it was the extreme of injustice and most disgusting hypocrisy to visit him with punishment, and for the same offence to let off the hon. and learned Member, merely because he had been able to rake some few precedents in his favour. They heard much in that House of vested rights and vested interests, but the vested interests of which they had last evening to consider were of a somewhat singular nature. They had allotted, on the ground of vested rights, an income of more than 900*l.* a-year to the doorkeepers of the House, and for what duty? Why, for merely letting in and out of the House persons who had not the same amount of income themselves. It was quite clear, as the hon. and learned Member for Bath had observed, as long as it was known that a Member of that House was a Parliamentary agent, his being so could be productive of no mischief, except perhaps that of creating an influence against the measure he supported. Why a law had been passed to oppress one particular description of Parliamentary agents, he knew not: but if the present motion was rejected, and he hoped it would be so unanimously, he should think it a tacit admission on the part of the House of a disposition to return to a sense of justice on the subject.

Mr. *Scarlett* said, that though the instances adduced were very strong, and almost sufficient to avert the judgment of the House, still he thought that the custom of having paid agents in the House of Commons, though shown to be long continued and extensively practised, was one better at once broken through than any longer observed. The House had always a jealousy of its Members being employed to do any business within it, and it could not be expected that in the present instance it would wave that well grounded feeling. If it did, of what use were the various statutes which still existed in full force against hon. Members receiving payment for their services from any interested parties? The principle at issue was a very important one. If it were admitted by the House any foreign potentate or Power, even though it was at war with England, might have its paid agent in the House, who would thus be enabled to transact its business with impunity, and with important advantage; and also to justify the position in which he was placed by a reference to it. In his opinion, no colony which had a Legislature of its own should be suffered to have a paid agent in Parliament. The King's Ministers were the true and proper representatives of the interests of such a colony. He should, therefore, willingly support the motion.

Mr. *Labouchere* said, it was undoubtedly true that some years ago he had received a communication informing him that the Assembly of Lower Canada had done him the honour to appoint him their agent; but it was also true that he had written in answer, that although he should always be happy to be of any service to the colony, he must decline being their appointed agent. In making that statement, however, he hoped not to be understood as casting the slightest imputation on the hon. and learned Member for Bath. He could well conceive that that hon. Gentleman, connected as he was with the colony by the ties that bound him to it, might feel it his duty to become its agent, for the purpose of obtaining for it what he thought was justice. He for one, respected the hon. and learned Gentleman for not shrinking from his connexion with the colony. But he felt his own case to be quite a different one; and had, therefore, done what he considered it to be his duty to do. He would also frankly confess, that although he thought it very important that every colony should be represented in this country by an accredited agent, he did not think it was desirable that that agent should be in Parliament. The tendency of such a practice was to connect any differences which might arise between the colonies and Government with politics, and to involve the colonies in party questions with which they had nothing to do. He knew, however, that a contrary usage had obtained among many of the greatest ornaments of which that House could boast; and he especially remembered having had a conversation on the subject with Sir James Mackintosh, who told him that he should be perfectly disposed to accept the appointment of agent for Canada.

Mr. *Hume* could not concur in the opinion of the hon. Gentleman who had just spoken. He thought that every colony ought to have an accredited agent in Parliament.

Lord *John Russell* had a preliminary objection to the form of the resolution. As to the general question discussed by the hon. Member who moved it, with respect to paid agents for the colonies sitting in this House, he admitted that there were inconveniences attending the practice, though it had the authority of such men as Mr. Burke, Mr. Huskisson, and Sir James Mackintosh. Again, as a general proposition, he was not disposed to agree to it, on a resolution. If any disqualification were proposed which had not been created by the existing law, it should be by some new law, it should be by a Bill and not by a resolution. It was competent to the hon. Member to introduce a Bill for the purpose; and on this ground he opposed the Resolution. Besides, the Resolution was so worded, that he did not wonder that the hon. and learned

Member for Bath should have considered that his Majesty's Ministers were included in it. On those points, therefore—first, that he did not desire to see any change; in the second place, that he shouldnot wish to make any change, if it were desirable, by a Resolution of the House, but by a Bill, he objected to the Resolution, and would take the liberty of moving the previous question.

Sir *John Hanmer* had no object in bringing forward the Resolution, but to secure the character which the House should maintain for dignity and independence. The House, therefore, might dispose of the Resolution as it pleased he had done his duty in submitting the Resolution, and he should not be consulting his own feeling, if he were to withdraw it. He was sorry to trespass on the time of hon. Members, but he must take the sense of the House on the Resolution.

The House divided on the question, that the original question be put:—Ayes 67; Noes 178:—Majority 111.

List of the Ayes.

Angerstein, J.
Archdall, M.
Bewes, T.
Blackburne, I.
Blackstone, W. S.
Browurigg, S.
Burrell, Sir C.
Chandos, Marq.
Chaplin, Colonel
Chichester, A.
Collier, J.
Dick, Q.
Dillwyn, L. W.
Dowdeswell, W.
Dunbar, G.
Duncombe, hon. W.
Eaton, R. J.
Elley, Sir J.
Estcourt, T.
Forbes, W.
Gaskell, J. Milnes
Gore, O.
Gresley, Sir R.
Grimstone ,hon. E. H.
Hale, R. B.
Halse, J.
Hamilton, G. A.
Hardy, J.
Hawkes, T.
Henniker, Lord
Hotham, Lord
Hoy, J. B.
Jones, W.
Irton, S.
Knightley, Sir C.
Lefroy, A.
Lefroy, rt. hon. T.
Longfield, R.
Lowther, hon. Col.
Lygon, hon. Col.
Maclean, D.
Manners, Lord C. S.
Martin, J.
Mosley, Sir O.
Norreys, Lord
Palmer, G.
Penruddock, J. H.
Perceval, Colonel
Plumptre, J. P.
Plunket, hon. R. E.
Pollen, Sir J. W.
Pollington, Lord
Praed, J. B.
Price, S. G.
Rickford, W.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord E.
Spry, Sir S. T.
Stanley, E.
Thompson, Ald.
Trench, Sir F.
Trevor, hon. A.
Tyrell, Sir J. T.
Vere, Sir C. B.
Williams, T. P.
Young, J.

TELLERS.

Hanmer, Sir J.
Scarlett, hon. R.

List of the Noes.

Acheson, Lord
Aglionby, H. A.
Alston, R.
Anson, Colonel
Baines, E.
Baldwin, Dr.
Ball, N.
Baring, F. T.
Baring, T.
Bentinck, Lord G.
Bentinck, Lord W.
Berkeley, hon. C.
Bernal, R.
Bish, T.
Blake, M. J.
Boldero, H. G.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bruce, Lord E.
Buller, C.
Bulwer, H. L.
Bulwer, E. L.
Burton, H.
Byng, rt. hon. G.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Chetwynd, Captain
Clay, W.
Clayton, Sir W.
Clerk, Sir G.
Clive, E. B.
Codrington, Admiral
Colborne, N. W. R.
Cookes, T. H.
Crawford, W. S.
Curties, H. B.
Curties, E. B.
D'Eyncourt, rt. hon. C. T.
Donkin, Sir R.
Duncombe, T.
Duncombe, hon. A.
Dundas, hon. T.
Ebrington, Lord
Egerton, Lord F.
Elphinstone, H.
Etwall, R.
Evans, G.
Ewart, W.
Fazakerley, J. N.
Ferguson, Sir R.
Ferguson, C.
Fergusson, rt. hn. R. C.
Fitzgibbon, hon. Col.
Fitzsimon, C.
Fitzsimon, N.
Folkes, Sir W.
Forster, C. S.
Fort, J.
French, F.
Gaskell, D.
Gillon, W. D.
Gladstone, T.
Gordon, R.
Goulburn, Sergeant
Gratton, H.
Grimston, Lord
Gully, J.
Hall, B.
Hamilton, Lord C.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawkins. J. H.
Hay. Sir A. L.
Heathcote, J.
Hector, C. J.
Heneage, F.
Hobhouse, rt. hon. Sir J.
Hogg, J. W.
Horsman, E.
Howard, R.
Howard, hon. E.
Howard, P. H.
Humphery, J.
Jermyn, Lord
Labouchere, rt. hn. H.
Law, hon. C. E.
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Lynch, A. H.
Macnamara, Major
Marjoribanks, S.
Marsland, H.
Methuen, P.
Morpeth, Lord
Mostyn, hon. E.
Murray, rt. hon. J. A.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
Oliphant, L.
Oswald, J.
Paget, F.
Palmer, General
Palmer, R.
Parker, J.
Parrott, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Phillips, M.
Phillipps, C. M.
Pinney, W.
Ponsonby, hon. W.
Potter, R.
Poulter, J. S.

Poyntz, W. S.
Price, Sir R.
Pusey, P.
Rice, rt. hon. T. S.
Richards, R.
Rippon, C.
Robinson, G. R.
Roche, W.
Rolfe, Sir R. M.
Rundle, J.
Rushbrooke, Col.
Russell, Lord J.
Russell, Lord
Ruthven, E.
Sandon, Lord
Sandford, E. A.
Scholefield, J.
Scott, Sir E. D.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Stanley, E.
Stewart, R.
Strickland, Sir G.
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Sergeant
Thomson, rt. hn. C.P.
Thompson, P. B.
Thompson, Colonel
Thornely, T.
Tooke, W.
Trelawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Tynte, J. K.
Villiers, C. P.
Vivian, J. H.
Wakley, T.
Wallace, R.
Walpole, Lord
Warburton, H.
Westenra, hon. H. R.
Westenra, hon. J. C.
Wilde, Sergeant
Williamson, Sir H.
Woulfe, Sergeant
Wrightson, W. B.
Wyndhrm, W.
Wynn, rt. hon. C. W.
Wyse, T.

TELLERS.

Hume, J.
Smith, R. V.

Original Resolution not put.

SMALL DEBTS COURTS.] Mr. C. Buller moved that the standing orders relating to Bills for the Establishment of Small Debts Courts be repealed, and that all such Bills be henceforth treated as public Bills.

Mr. *Hume* seconded the motion. He hoped that the motion of his hon. Friend would ~~induce~~ the Attorney or Solicitor -General to bring in a general Bill on the subject.

The *Chancellor of the Exchequer* said, that it was very doubtful whether the hon. Member's motion would have the desired effect; and he thought that, though certain modifications might be advantageously made in the standing orders, still that the case which was sought to be remedied would be no better by their repeal.

Mr. *William Wynn* concurred in what had fallen from his right hon. Friend. If a general Act could not be passed on the subject it was inexpedient to repeal the standing order.

Mr. *Wakley* suggested, that the hon. Member might withdraw his motion for the purpose of giving an opportunity for the introduction of a general measure. As it related to the administration of justice it should be brought forward in an entire form, and in a general way.

Lord *Sandon* acknowledged the extreme inconvenience of the present system, and expressed a hope that it would be speedily remedied.

Motion withdawn.

COMMITTEES ON PRIVATE BILLS.] Mr. Rigby Wason proposed a resolution, that the system which permits Members of the House of Commons to vote in Committees on private Bills, without having heard the whole of the evidence adduced, is inconsistent with the first principles of justice, and ought to be altered.

The *Chancellor of the Exchequor* thought that the system relative to private Bills should be altered, but he did not think that the course proposed by his hon. Friend would answer: on the coutrary, if carried out, it would interrupt the whole proceedings of Parliament.

Mr. *Hume* suggested to the hon. Member to withdraw the motion, as it merged in the question of the formation of private Committees, which must soon be brought before the House.

Mr. *Aglionby* hoped the hon. Member would postpone the motion for the present and trusted that the Government would take up the subject, and introduce some general measure.

Motion withdrawn.

HEAD-MONEY.] Mr. *Hume* did not anticipate any opposition to his motion, and should therefore at once propose the following resolution:—That any payment or premium, or agreement to pay any sums of money as Head-money to electors at an election for members to serve in Parliament, whether made by a candidate, or by any one acting on his behalf, is a gross violation of the freedom of election, of the order of this House, and of the rights and liberties of the Commons of the United Kingdom.

Colonel *Sibthorp* did not exactly know what Head-money was, but he objected to a motion of such importance at that late hour, and he should therefore move the adjournment of the House, unless the hon. Gentleman withdrew his motion.

The *Chancellor of the Exchequer* was surprised that there could be the slightest objection to such a simple proposition. He could not have anticipated that any hon. Gentleman could hesitate as to the objectionable effect of paying Head-money. Was there any one in that House who could get up and justify the payment of Head-money? If there was not, why should not the House at once sanction the motion? If there was a difference of opinion, let the House divide, and show who were for the payment of Head-money, and who were against it. For his part, he was decidedly opposed to the payment of Head-money.

Viscount *Sandon* protested against a vote for the adjournment being assumed to be a vote in favour of bribery. The question really was, whether so important a matter ought to be brought on at so late an hour. The wording of the resolution, too, was very loose, and might be held to express much more than was apparently intended. The resolution was nothing more than a declaration of the law upon the subject; and, therefore, as the law as it stood accomplished all that the hon. Member for Middlesex's proposition intended, it would be a mere waste of time to place it on the books of the House.

Mr. *Hume* thought, that as they were all agreed that bribery should be abolished, there could be no well-founded objection, if the hon. Members opposite were sincere, to his motion.

Viscount *Sandon* said, that although there could be no doubt whatever that any money-payment connected with a vote was bribery, there might be still arrangements which this resolution would not touch; for instance, where the money was not to be paid for a year after the election.

Mr. *Hume* said, that the introduction of the words "at or after the election" would meet the objection stated by the noble Lord.

Mr. Sergeant *Goulburn* said, that although he was as desirous as any one to ged rid of bribery, he could not consent to pass such a resolution in so thin a House, and at such an hour of the night.

Colonel *Perceval* observed, that although he would vote for the resolution if it were brought forward at a proper time of the evening, he should now, if the hon. Member for Middlesex persevered, support the motion of his hon. and gallant Friend, the Member for Lincoln, if it were to keep them there until four o'clock to-morrow.

The House divided on the question, that it do now adjourn; the numbers were—Ayes 9; Noes 35—Majority 26.

Mr. *Hume* observed, that as there seemed to be so decided a determination not to allow him to proceed with his motion, he would withdraw his resolution then, and bring it forward on a future occasion, when he hoped it would be agreed to.

List of the AYES.

Forbes, W.
Forster, C. S.
Goulburn, Sergeant
Hale, R. B.
Perceval, Colonel
Praed, W. M.
Richards, R.
Rushbrooke, Col.
Sandon, Lord

TELLERS.

Sibthorpe, Col.
Scarlet, hon. R.

List of the NOES.

Aglionby, H. A.
Agnew, Sir A.
Bowring, Dr.
Brotherton, J.
Buller, C.
Cayley, E. S.
Curties, H. B.
Dillwyn, L. W.
Duncombe, T.
Harland, W.
Horsman, E.
Howard, hon. E.
Howard, P. H.
Lennox, Lord G.
Lennox, Lord A.
Morpeth, Lord
Murray, rt. hon. J. A.
O'Brien, W. S.
O'Connell, M. J.
O'Connell, M.
Pease, J.
Pechell, Captain
Phillips, M.
Plumptre, J. P.
Potter, R.
Rice, rt. hon. T. S.
Thompson, Colonel
Thornely, T.
Tooke, W.
Trevor, hon. A.
Wakley, T.
Wallace, R.
Warburton, H.
Wason, R.
Young, G. F.

TELLERS.

Hume, J.
Baring, F.

* * *

HOUSE OF LORDS,

Friday, July 1, 1836.

MINUTES.] Bills. Read a second time:—Sugar Duties.

Petitions presented. By the Earl of WICKLOW, from Dissenters of Ollier Street, Dublin, against a further Grant to Maynooth.—By the Earl of HADDINGTON, from St. Mary's and St. Wenburgh's, Dublin, against the Municipal Corporations' (Ireland) Bill.—By Viscount DUNCANNON, from Clonelty, for the Adjustment of the Tithe System.

SYSTEM OF EDUCATION (IRELAND).] The Earl of *Wicklow* rose to present a Petition on the system of Education as conducted under the auspices of the Board of Education in Ireland—a subject on which he had not had the opportunity of making any observations during the present Session, and on which, as he should not have another opportunity of delivering his sentiments, he prayed their Lordships to grant him the indulgence of being heard for a few minutes. The petition which he was about to present to their Lordships, prayed them not to sanction any grant, by Act of Parliament or otherwise, to increase the funds of the Board of Education in Ireland without a previous inquiry into the mode in which that Board conducted its system of education. Had the motion brought forward by a right reverend Friend of his on this subject been adopted by their Lordships, this petition would have been perfectly unnecessary. He much regretted that circumstances had prevented him from being present on the evening when his right reverend Friend brought forward his motion; for when he read the lucid, and eloquent, and argumentative speech of his right reverend Friend, calling for inquiry into the abuses which he recounted, he was surprised that anything should have prevented their Lordships from acceding to his just and equitable proposition. He was also surprised, considering the reflections which his right reverend Friend had shown their Lordships were cast upon the proceedings of the Commissioners of the Board of Education, that all parties in the State had not united in one common call for examination into the working of the system which those Commissioners were appointed to carry into execution. He should have thought that all parties would have united in that common call for inquiry—not only those who thought the construction of this Board vicious in itself, but also those friends and supporters of it who declared that it worked well and was highly beneficial. He was surprised that the supporters of this system of education had not gladly embraced the opportunity afforded them of showing to the country, that their statements were correct, and that those of his right reverend Friend were the reverse. It was quite clear that if the statements of his right reverend Friend were well founded, this Board ought not to be continued; whilst it was equally clear, that if those statements were destitute of foundation, they ought to meet with a public exposure, refutation, and denial. His right reverend Friend had said, that in direct opposition to the regulations of the Board itself, altars had been erected, and mass had been practised two hours daily in a great number of its schools—and this, too, if not with the sanction, at least with the knowledge of the Board itself. He had read in the travels through Ireland of a very impartial and ingenious man, which, though not published, were now in print, that on visiting one of the schools of this society, he had found that the prayers used in it were expounded to the children by a Roman Catholic master, and that the children were all in the habit of signing themselves with the cross during the time of their examination. When this traveller asked the Roman Catholic master this question—"If you had Protestant children in your school, would you carry on the same system of instructing the children in these religious tenets?"—the man answered—"I should feel it my duty to do so; but I should consult Father Williams, the priest of the parish, before I did so." Now, he asked the House, whether such a national system of education could be sanctioned by a British and Protestant House of Parliament? It had been said, indeed, that this system worked well; but the only proof which had yet been given of this assertion was a statement contained in the last Report of the Commissioners of Education. That appeared to him to be one of the most extraordinary Reports that he had ever yet read. He had waited upon his valued Friend, the noble Duke (Leinster), who was at the head of that Board, and he had had some reason to expect that his noble Friend would have been present to-day. However, his noble Friend was not present, and he was sorry for it. It was stated, as a proof that the system proposed by Lord Stanley for the united education of Protestants and Catholics worked well, that a large proportion of Protestant clergymen had applied to the Board for grants of money to erect schools under its auspices—it was stated, that the proportion of Protestants to Catholics in Ireland was as one to four, and that as the number of applications from Protestant clergymen was to the number of applications from Roman Catholic clergymen in that proportion, the system must have been successful. Now, if that Report had stated, that the children of Protestant parents were to the children of Roman Catholic parents as one to four, he could have understood the argument; but when it was recollected that there was the same number of Protestant clergymen in Ireland as there was of Roman Catholics, he could not see how the fact that the applications from Protestant clergymen was to the application of Roman Catholic clergymen as one to four proved the proposition which the Commissioners in their wisdom had laid down in their Report. He had no wish to run down the system of public education adopted under the auspices of Lord Stanley in Ireland. Before it was adopted he had been averse from its adoption, and he had made a motion in the House to prevent its adoption. There was a majority of their Lordships present in favour of his motion; but unfortunately the proxies had carried it against him. On that occasion, he said, that if the Kildare-street Society were not in existence, he should be most anxious that a system of this kind should be established. He would now say, that this system having been established, he should be sorry to see it subverted, and the Kildare-street Society erected upon its ruins. For he was convinced that the Kildare-street Society would not now be able to perform the same amount of good which it was performing at the time of its suppression. At the same time it was incumbent upon him to state, that it was generally believed in Ireland that that vigilant superintendence which the country at large, had a right to expect, was not exercised over the management of the schools under the control of the Board of Education. His sincere object in offering these remarks to their Lordships was to impress upon his Majesty's Government the necessity of adopting measures to conciliate the Protestant clergy, and to obtain their acquiescence in this system. It was, he admitted, difficult to overcome the prejudices, if such they might be called, of persons in their situation, but still he thought much might be done to conciliate and remove them. There were two grounds on which this system of education was objected to—the first was, that it was anti-Christian in not being sufficiently biblical; the second, that it was not fairly and impartially carried into effect. On the first of these grounds he did not object to the system, it might do much good, and it was therefore incumbent upon the Government to take care that it was not abused to do harm. He believed that it was abused now, and that sufficient attention had not been paid to the practical working of it. He thought that such an inquiry as these petitioners prayed for ought to be instituted, in order that a remedy might be devised for these abuses, in case they were proved to exist. If such an inquiry were to take place, and the Government were to act fairly during the investigation into the existence of the abuses, and into the means of remedying them, the prejudices of the Protestant clergy would gradually subside, and finally the system would become beneficial. He had said on a former occasion, that as a system for the education of the Roman Catholic population of Ireland, it was a good one; but that it was not adapted for a general system of education embracing Protestants and Roman Catholics. He was prepared to contend, that those who obtained grants for the Board of Education, on the ground that its system was working well for the united education of Protestants and Roman Catholics, were deceiving not Parliament only, but also the country at large. The noble Earl concluded by moving, "That the Petition from the Vicar, Churchwardens, and Protestant Inhabitants of Rathmoyne, in the county of Meath, should be laid on their Lordships' Table."

The Marquess of *Lansdowne* was not aware that it was the intention of the noble Earl to call the attention of the House that evening to the subject of national education in Ireland. He believed, however, that the noble Earl's reason for entering into this somewhat irregular discussion was, that he did not intend to attend in his place after that evening, and that he was therefore anxious to deliver himself of a speech on this occasion. It was for the purpose of giving a contradiction to these statements, and showing how unworthy of credit they were, that he was induced to trouble their Lordships with a few observations, in order to state the result of the inquiry he had made into the subject. It had been stated by a right reverend Prelate, and the statement was much relied upon, that in a particular school in Ireland, stated to be a pet school of his, or on property belonging to himself, words were used as a copy said to be of a most seditious character, but certainly words of a very unusual character, being a prayer for the souls of the boys executed at the assize town at the previous assizes. As this statement had been made, he had thought it is duty to institute an inquiry into the facts of the case. The result of the inquiry enabled him to state,—first, that no such words were used as a copy in any school of his; secondly, that no such words were used as a copy in any school at all in the county; thirdly, that in consequence of a report which was circulated, that the words were used in another school, not a school of his, in that county, immediate inquiry was instituted by the Board, which had been accused of neglecting its duty by permitting such words to be so employed, the result of which was to prove, that no such words had been used, but which led to subsequent inquiries connected with the conduct of the master, which terminated in his dismissal. That dismissal, however, had nothing to do with the particular fact alleged by the right reverend Prelate. As he had stated to their Lordships, there was not a particle of foundation for the assertion that these words were employed in any school in the county. Upon the rest of the subject he did not wish at that moment to touch. But he wished to express his entire concurrence in the hope of the noble Lord opposite, that the Protestant clergy might be induced to take an active part in the superintendence of the schools. If any obstruction were offered to the Protestant clergymen when they wished to obtain access to the schools, when their duty called them to superintend the spiritual welfare, and look to the comforts of the children present at those schools, then certainly it would be the duty of Government to extend protection to them in the discharge of that duty. He, as an individual Member of the Government, was ready to give every encouragement, to hold out every inducement, to offer every assistance, to lead them into so honourable a part.

The Bishop of *Exeter* said, that the noble Marquess had stated that the circumstance said to have occurred had not taken place in the county. [The Marquess of *Lansdowne*.—In any school in the county.] There was a nicety in that distinction which he could not perceive; but what he was going to say was, that he had not the smallest doubt that the noble Marquess had entire confidence in the accuracy of the statements made to him. He could only say, that if there had been a Committee appointed to investigate the system of education in Ireland, then he would have had an opportunity of bringing before it the evidence on which he had made the statement. But it was just possible that in this inquiry mentioned by the noble Marquess, conducted he knew not how, where, or by whom, all the facts had not come out, and that it had not been made in the proper quarters. As far as his recollection went, he had not called the school a pet school at all, at least, he had not charged it with being a pet school of the noble Marquess, but he was conscious that it was impossible for the noble Marquess to direct all the affairs of his extensive property in Ireland, and he had been informed that such an incident had occurred in a school on the estate of the noble Marquess, and under the patronage of one of his agents. It was impossible for Parliament to give its support without inquiry to an institution respecting which such averments were made, and he was sure that the country would not be content till inquiry was made. Whenever it was made, he pledged himself not to prove his statement against that of the noble Marquess, but to adduce the evidence on which he had a right to suppose it capable of proof. He wished now to repeat the question which he had put to the noble Lord a fortnight ago, relative to the Annual Report of the Commission of Education. He wished to know when they might expect to see it on the table, for the Session was near its close, and if it were not soon produced, it might be impossible to take it into consideration.

The Duke of *Leinster* expected the report every day.

The Marquess of *Lansdowne* observed, that a report had, he believed, prevailed in the part of the country referred to, that these words had been found written in the copy of one of the scholars, but it turned out that they had not been written in the school, but were found written in a farm-house. Supposing that to be correct, it could have no possible bearing upon the question, whether these words were written as part of the instructions in the school. Had he been aware that this discussion was to come on, he would certainly have produced a letter from a gentleman on the spot, to whom the right reverend Prelate had alluded, his agent in the country, stating the facts in question, and expressing his readiness to confirm them on oath.

Petition laid on the Table.

FACTORY SYSTEM.] The Bishop of *Exeter* had to present to their Lordships some Petitions upon a very important subject—so important, that he was sure they would permit him to trespass on their attention for a few minutes. The petitions were upon the Factory Question. The first was from the master manufacturers and cotton-spinners of the town and neighbourhood of Bradford, in the West Riding of Yorkshire. It was the result of the deliberations of a meeting of the master manufacturers and cotton-spinners, called by public advertisement, and was adopted, after a discussion, by a great majority of those present at the meeting. The next was a petition from persons acting as delegates of the workmen of the manufacturing districts of Yorkshire and part of Lancashire. The third was the petition of an individual, at least it must be treated as such, because it was signed by the chairman of a meeting of delegates representing the operatives of Bradford, Halifax, Huddersfield, and other places. The petitioners prayed their Lordships to pass a Bill providing that the time of working in mills and factories for persons under twenty-one years of age be limited to ten hours on five days of every week, and eight hours on the sixth. In a matter which concerned so large a class of the community, for it appeared that those engaged in manufactures and handicrafts, amounted, according to the decennial census, to no less than two-thirds of the population of Great Britain; he was sure their Lordships would be of opinion that their interests and rights deserved the most serious consideration. Notwithstanding this, it did unfortunately happen —and he thought their Lordships would admit that it had happened — that not only the condition of the factory children, the state of whom had so frequently engaged the attention of that House, but the moral interests of the manufacturing population in general, had not been dealt with as their vast and incalculable importance demanded. Due care had not been taken that the rising generation should be well instructed, should be brought up in the fear of God, and in the knowledge of their duty to man—a care which ought never to be neglected in any well-regulated community. He believed he might say, that there was scarcely a country in Europe, in which manufactures abounded, where greater attention had not been paid to the religious and moral welfare of the persons engaged in them. He believed that this might, in some degree, proceed from the political circumstances of this country: it was partly inseparable from its free government, for, in a country under a rule at all approaching despotism, an absolute monarch would have felt it to be his duty to watch more strictly the labour performed by the workmen, and the institutions intended for their protection and improvement, than was possible in a free country like this. He might say, that this was one of the penalties which we were compelled to pay for a free constitution, and he was quite ready to admit they must be ascribed to this cause; but still he thought they would agree with him, that all that was consistent with the spirit of our free institutions ought to be done for the protection of this most important and valuable part of the community, on whose labours the strength and importance of this great empire mainly rested. He would not attempt to detail to their Lordships any part of the misery and vice described in the evidence taken before the Parliamentary Committees. It was not necessary that he should do so on this occasion, but he must be permitted to say, that it appeared from returns recently made, that in one town alone, the great town of Manchester, no fewer than 8,000 children had been deserted by their parents, and found abandoned in the streets. This return comprehended the last four years, but it did not extend to the suburbs, where a number almost equal in amount had been found in a similar way deserted by their parents. The oppression to which the poor children were subject, and which they were constantly enduring in many of the mills, was too tremendous to contemplate. Within these very few weeks several persons had been convicted before a magistrate for employing five children for thirty-four hours consecutively without allowing them more than five hours for food and rest at differents parts of that time. The petitioners prayed that there should be a restriction on the hours of labour. He was well aware that it might be said, that such a restriction would be productive of great evil; that to grant it, would be to abandon the principle of freedom of labour. On that, he should not think it necessary to say much; he would only remark, that he thought it a most reasonable and well-founded demand, a demand resting on notorious facts, that it was the duty of the state to interfere even in behalf of the adults, to prevent them from being exposed to any destructive and pernicious intensity of labour. They might be told, that the labourers were not compelled to work—that they were free to abstain from it if they chose. But what freedom was that, where the only alternative was starvation, and while there was such an excess and superabundance of labour in the country, that the masters were certain of being able to extort from some of those in want of employment labour on any terms they chose to impose —namely, that they should work so long as human nature held together. Minors possessed of property were protected by the state, yet no steps were taken to guard the interests of those who were destitute and helpless. This was an important consideration, but it was so obvious, that he did not think it necessary to press it on their Lordships' attention. The prayer of one of the petitioners was, that the duration of labour might be restricted to ten hours for young children. Medical evidence of the highest character, both from the metropolis and the provinces, went to the full extent of saying that ten hours' labour was more than ought to be imposed on children, and that it was certainly the utmost extent that could be tolerated. Such was the testimony of men who had no interest but that of truth, whose character was pledged for the accuracy of the testimony which they gave, and who gave it as a most solemn duty which they owed, not only to their own character, but to the unfortunate subjects of it. It was a happy consideration in this case, that they had great reason to believe that no real loss would be incurred by the master-manufacturers, for many mills were now conducted where the work both of adults and children was restricted to ten hours, though the work was of the most important kind. He held a list, containing the names of many of these mills, in his hand, and he might state that the greatest individual cotton-spinner in Scotland, Mr. Dunn, of Duntocher, Mr. Greig, also a very extensive manufacturer, and Mr. Wood, of Bradford, the greatest worsted spinner in England, had voluntarily introduced this restriction into their factories from a sense of duty, and had had the satisfaction to find, that while they had obeyed the dictates of duty, their own interests had not suffered. A fourth gentleman to whom he felt bound to allude, was Mr. Fielden, Member of Parliament for Oldham, from whom he differed on almost every political question, who avowed himself a Radical Reformer, but who did not the less on that account appear to him to be worthy of respect and veneration. That gentleman was a Radical Reformer, and he had never heard of any other, though there might be such, who began by carrying reform into his own business and affairs. He believed this gentleman had a vast property embarked in manufactures, to an amount, indeed, he was told, that would scarcely appear credible, and yet he had not only been willing to hazard all upon this great question; but, when the matter was under discussion in another place, he had had the magnanimity to exclaim, "If the question is between the stability of manufactures, interested in them as I am, and justice to these poor children, throw manufactures to the winds." That declaration was made before an assembly, in which was delivered the famous speech of a right hon. Gentleman now no more, but which seemed to him to sink into insignificance before the declaration of Mr. Fielden. "Perish commerce, but live the constitution," was the famous apophthegm of Mr. Wyndham. In conclusion, he would only say that he thought the case, coming to their Lordships, as it did, with so many strong considerations, entitled to their most serious attention.

Viscount *Melbourne* wished to make one observation in reference to what had fallen from the right rev. Prelate, but it was not his intention to go into the subject, although undoubtedly it was one of the greatest importance and interest. The right rev. Prelate had stated, that within the last four years 8,000 children had been abandoned by their parents in the town of Manchester. On hearing this statement, he had inquired of persons who were closely connected with that part of the country, and who declared that the statement was most erroneous. The return cited by the right rev. Prelate comprised all children who had been lost or had strayed, and had been taken in consequence to the police-office. It by no means followed that those children had all been deserted by their parents.

The *Bishop of Exeter* said, that it appeared from a return in his hand, that in Salford 470 children had been lost in the course of four months. He then went on to say, he was reminded that recently an attempt had been made to fasten on their Lordships the blame consequent on the failure of an Act of Parliament introduced three years ago, for the protection of the factory children. He held in his hand a newspaper which appeared about a month ago, just at the time when public attention was most anxiously directed to the possibility of a collision with the other House of Parliament. It was there stated as a ground of complaint against that House, that the failure of the Act of 1833 was owing to the treatment it received from their Lordships. That Act was so full of defects as to make it nearly inoperative, and to such a degree that Government thought it necessary to bring in a bill to repeal one of its worst provisions. This statement was as follows:—The clauses of the Act providing for the education of the factory children were mutilated very much, if we remember rightly, in the House of Lords, and neither the factory Commissioners, nor Government, who had adopted their plan, were responsible for the alterations which had *pro tanto* marred their efficiency. The fact, however, was, that the noble Lord whose name could never be mentioned (with too much respect), who had introduced the Bill elsewhere, had endeavoured in vain to get it through the House—that he was at last compelled to give it up to the Government—that they altered the whole of its provisions—that when it came up to their Lordships, one Committee reported in favour of the principle, and another (composed by a majority of two to one of noble Lords on the Ministerial side of the House) in favour of the details—and that it was ultimately passed with only such amendments, as rendered a provision clear and efficient, which would otherwise have been useless and ridiculous. It was, in fact, the measure of the Government of 1833.

Petitions to lie upon the table.

HOUSE OF COMMONS,

Friday, *July* 1, 1836.

MINUTES.] Bills. Read a second time:—Stannaries Court Bill; Light Houses.

Petitions presented. By Dr. BOWRING, from Dunbarton, for the Scotch Municipal Corporation Reform Bill.—By Mr. WILKS, from Milton and Sittingbourne, for Abolition of Church Rates.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).—By Mr. RUTHVEN, from various Places, for the House to adhere to the Irish Municipal Corporation Reform Bill as originally passed by them.—By several HON. MEMBERS, from various Places, against Factories' Act Amendments Bill—By Mr. WAKLEY, from the Medical Practitioners of Ashton-upon-Line, for Reducing the hours of Labour in Factories.—By Mr. S. MAXWELL, from various Places, for Relief of the Handloom Weavers.—By Mr. LEADER, from Temple, in favour of the Ballot.—By several HON. MEMBERS, from various Places, for the House to adhere to the Irish Municipal Corporations' Bill as originally passed by them.—By Captain GORDON, from Fraserburgh, for Protection; and from Leith, against the Scotch Municipal Reform Bill.—By Mr. BUCKINGHAM, from Sheffield, for Repeal of Newspaper Stamps.—By Mr. S. CRAWFORD, from various Places, for Abolition of Tithes (Ireland).

APPROPRIATION OF CHURCH FUNDS.] Mr. *Harvey* said that he had to present a petition from an individual which was in every way entitled to the consideration of the House, inasmuch as it was the petition of a working clergyman who was very ill paid, and laboured hard. It was the petition of the rev. Charles Collier, vicar of Hambleton-cum-Braunston, in the county of Rutland, and the statement of the petition peculiarly merited the attention of the House at a time when they heard so much of the doctrine of appropriation, and when there was so much laudable solicitude evinced that the revenues of the Church should be appropriated to their original purpose. The petitioner stated, that, in 1822 he was inducted to the living, that it was of the annual value of 150*l.*, and that the value of the tithes originally derived for religious purposes exceeded the sum of 2,000*l.*, which by one of those contrivances which characterised the discretion of our ancestors, and which was somewhat rising again in the clauses of the Irish Tithe Bill, which proposed to appropriate 30*l.* per cent. of the property of the Church, gave the tithes of this parish to temporal purposes—tithes which were applicable in former times to the spiritual wants of the people—which realised a considerable sum, and produced 2,000*l.* Of this sum this individual received about 150*l.* The petitioner stated that 380*l.* was advanced from Queen Anne's Bounty for the express purpose of suiting the convenience and consulting the taste of his predecessor, and that it was expended in erecting stables adapted for a gentleman who indulged in fox-hunting, but which were wholly unnecessary for a person who had clerical duties to perform. This 380*l.* was charged upon the living, and the petitioner was called upon to pay the interest annually, and now threatened with legal proceedings in default of payment of the principal. In what way, he would ask, was this Gentleman to receive relief? Was there any party in that House to whom this Gentleman could appeal? Would that House call the Commissioners of Queen Anne's Bounty to account, and compel them to do justice in administering the funds committed to their charge? A sum of 30,000*l.* had been allowed to remain in the hands of the treasurer; the treasurer became an insolvent, and only 8,000*l.* recovered from the sureties, and that by his interference. The trustees afterwards agreed to make up the difference, but refused to pay the interest, so that 4,000*l.* a year was lost to the Society for ever. The petitioner called upon the House to protect him from paying a sum of money which had been misapplied to certain purposes, and in the way named in the petition.

Petition to lie on the table.

OUTRAGES—(IRELAND)]. Mr. *Finn*, in

reference to certain returns, begged to ask the noble Secretary for Ireland whether instructions had been given to the police to suppress any details, or to make alterations, in any statements regarding outrages in Ireland?

Colonel *Perceval* interposed, and requested the noble Lord to state whether the reports were true that accounts of outrages in Ireland were sent by the inspectors under the superscription of "private and confidential," and whether returns were made of a more flattering aspect than was warranted by the real facts of the case. If the return made were *bona fide*, of course he should be glad to hear it; if not, he wished to ascertain whether he had been rightly informed.

Lord *Morpeth*, as far as his knowledge went, could take upon himself to say that there was no truth in the story: he was not aware of any alterations in returns, and certainly no directions had been given to make them.

Colonel *Perceval*: No directions to have accounts of outrages suppressed?

Lord *Morpeth:* Most certainly not.

Colonel *Perceval:* I am glad to hear it.

Subject dropped.

CHURCH AND TITHES—(IRELAND).] Viscount Morpeth moved the order of the day for the House to resolve itself into a Committee on the Church and Tithes Bill (Ireland). On the question that the Speaker leave the Chair.

Mr. *Sharman Crawford* rose to move the total extinction of tithes in Ireland, as prayed for by petitions he had just now presented, as well as upon many former occasions, and he hoped the House would indulge him with their attention while he supported his position with a few plain statements and facts. The only claim he could put forward for such indulgence was, that he brought forward his motion from an honest conviction that he was only performing his duty to his constituents. The principle he advocated was not whether the Catholics of Ireland should be relieved from a fractional portion of the tithe assessment, but whether they should still continue to pay that odious impost which stamped them with the name of slaves in the land of their birth. But there was a still higher question—it was the religious (and consequently the civil) liberty of all Protestant as well as Catholic non-conformists in the British empire. It was the right of conscience against the tyranny of establishments.—It was whether man should be accountable for his religious faith to his God, or to his fellow-man. It was, whether the State was entitled to set up an idol of its own, and say, you shall worship this idol, or pay the priests who minister to it. On this doctrine—on the right of the state to govern religious opinion the assumption of tithes by the church established was founded—the principle was clearly asserted by the Acts of uniformity of Elizabeth and Charles, and under that Act the tithes were monopolised in Ireland. The Presbyterian ministers of the north, after the colonization of Ulster, were for a time in the possession of tithes. Under the Acts alluded to, the tithes and Church preferments were seized, and both the ministers and the laity were persecuted and expelled their country. This ought to be treated as a Protestant question. Presbyterians of the north were as determined against tithes as the Catholics of the south. The same principle operated in this case which had produced persecution in every age of the world. All persecutors deny that they controlled religious opinion; they said they persecuted because men refused to obey the laws. On the very same principle was the tithe persecution founded in Ireland, and the persecution of Scotchmen for the non-payment of the annuities' tax in Scotland. How could Protestants support this infringement on religious liberty? On what grounds did they dissent from the Church of Rome, unless on the maintenance of religious liberty? Did they hold themselves entitled to enforce the profession of religious belief according to the dictates of the State? If they did not, what right had they to compel the people to pay for the diffusion of doctrines they believed to be false? It was said that the payment of tithes was no grievance on the proprietors of estates, because they purchased subject to the tithe assessment—but did the appropriation make no difference? Tithes were originally for the payment of the clergy of the whole people and for the support of the poor. The purchaser was subjected to tithes on condition that those duties should be discharged by means of that payment. Now, the whole was monopolised for the clergy of a portion of the community, and the non-conformist was obliged to pay his own clergyman and the poor, over and above the tithe assessment. Thus he was actually robbed of a portion of his original bargain, and the tithe assessment, from being a benefit, was converted into a nuisance and an extortion. Was that no breach of contract? Then, again, it was said, the late purchasers of estates purchased subject to the present application of the tithes. He maintained they purchased so from necessity—but was that a reason why the purchaser should be precluded from endeavouring to correct that injustice. This position is aptly illustrated in a late publication. It was asked—if a man purchase an estate subject to the incursion of wolves, was he not to destroy these nuisances? and if he did so, was he to be deprived of the advantages of his labours. Again, with regard to the Irish tenant, it was stated, his landlord paid the tithe and not the tenant, and that the landlord allowed for it in the rent. Could any one assert that allowances of any description were made in setting the lands to the poor Irish tenants. But there were three special points on which this position might be controverted. First, by the law of Ireland, pasture lands were excluded from tithes—some years back the greatest part of Ireland was let as pasture lands; they were afterwards improved and cultivated; and he asked, was it not the tenants paid the tithe? 2d.—A great part of the lands of Ireland were let to tenants in a state of nearly barren wastes; the tenants improved these wastes, and became responsible for the tithe. 3d.—When the land was sub-let to the miserable cottier at a rack-rent, had this poor man any allowance for tithe from his immediate landlord? Another grievance imposed on Ireland arose from the composition acts—a voluntary Composition Act was first provided. The people were entrapped into temporary agreements, under particular circumstances, and then those agreements were rendered perpetual by a succeeding Act, and new agreements imposed under an arbitrary valuation, without any allowances for expenses of marketing, collection, &c., as by the English act, or for that still more important cause of reduction, the exemption of pasture lands by the laws of Ireland. Thus, the composition as a permanent charge, was at least double what it ought to have been. Then as to the provisions of the Government Bill. One proposition of the Bill was to sink a portion of the tithes; another proposition was to appropriate another portion of the tithes in a different manner; and a third proposition was to force the tithes to be paid by the landlord. He insisted that this payment was merely nominal, as the Bill gave full right and title to the landlord, when he paid tithes, to enforce repayment in the same manner as rent was collected. So that, although tithes might be nominally imposed on the landlord, he asserted that they were actually paid by the people. One of the great evils that would arise from the propositions of the Bill was, that it combined together rent and tithes. By combining a tax that was unjust, with a payment that was just, and for which the people received value, they would be induced to make opposition to that, as well as tithes, and a complete confusion of property would be the consequence. The effect of the Bill would be, to put the landlords in the position of proctors for the clergy; and if other gentlemen desired to be placed in that position—if others conceived it to be a position of honour, he did not. The proposition might be exemplified in this way—Suppose a man paid 10*d.* tithes. By the present composition 3*d.* would be sunk—he would then pay 7*d.* From this sum one-seventh was appropriated to purposes of education, and the remaining sixth-tenths was paid by the Catholics of Ireland, for the use and support of the Established Church. He would wish to ask, would that satisfy the people of Ireland? He would refer the House to the numerous petitions presented by himself and other hon. Members, and ask what was the demand of the petitioners? Was it not in almost every instance for the total extinction of the tithes in name and in substance—for the principle that every man should pay for his own church? These sentiments were embodied in the petitions in such distinct terms as not to be mistaken. He would not trouble the House with referring at length to these petitions, but he would shortly state the prayer of one presented from the Protestant parish of Tullylish, in the county of Down, which stated that nothing short of a complete abolition of tithes would secure the peace of the people—restore the clergymen of the Established Church to the station in society they should occupy, and unite all classes of his Majesty's subjects in one common bond of brotherly affection. Such were the sentiments of the Protestants of that parish—and he would now refer to a petition from the rev. W. Handcock, rector of Clontarf, a clergyman of the Established Church, who stated, that so long as tithes were levied in Ireland it would have the effect of continuing agitation, perpetuating sectarian strife, renewing scenes of slaughter, and extending the system of lawless terror. These were the sentiments of a clergyman of the Established Church, and he thought they were entitled to some weight. He would now refer to the words of an eminent character, a member of a former government (Lord Stanley), which expressed the feelings of the people of Ireland. That noble Lord said, in substance, that the amount of the tithes was not the real grievance, but the conscientious feeling which prevented Dissenters from the Established Church contributing to its support. He would refer also to an authority far greater than his own, and one which, from the station the individual held, must have its due weight; he alluded to a letter which he had received two years ago from the hon. and learned Member for Kilkenny. That letter stated, that in the opinion of the hon. Member for Kilkenny, so long as tithes existed, emancipation was but a mockery. He would next read his first resolution to the House:—

> "That it is expedient that tithes and all compositions for tithes in Ireland should cease and be for ever extinguished, compensation being first made for all existing interests, whether lay or ecclesiastical; and that it is also expedient that measures should be adopted to render the revenue of the Church lands more productive and more available for the support of the working clergy of the Establishment, and that all persons not in communion with the Established Church of Ireland should be relieved from all assessment for its support."

He would first explain that part of the resolution which respected the making a more effective provision for the working clergy out of the revenue of the Church lands. He conceived that the tenants had most beneficial terms offered to them on which to purchase the fee under the Act of the 2nd and 3rd of William IV., and, in his opinion, an Act ought to be passed to render it compulsory on the tenants to purchase the fee, or that if they did not, they should be deprived of their right to purchase the fee, which should then be sold to the best advantage for the state. He should also propose that a change should take place with respect to the Archbishops and Bishops after the decease of the present possessors. With respect to the Archbishop he should propose that a sum not exceeding 2,000*l.* a year shold be allowed, and for the Bishops a sum not exceeding 1,000*l.* a-year, the surplus to be obtained by such a reduction, should be applied in aid of the stipends of the working clergy of the Established Church. He would also propose that the revenues of deans and chapters, minor canons, &c., should entirely cease after the demise of the present possessors, except in so far as they might be connected with special application to the cure of souls. He would state to the House some particulars relative to Church lands in Ireland. The hon. Member accordingly read the following statement.

"By a parliamentary return in 1833, the number of acres in the Bishops' lands are stated at 669,247 acres. In this return the Bishopric of Raphoe is not included; and as some of the best lands in Ireland are in the possession of the Church, and one Bishopric is not returned, the average on the acres returned may be estimated, without danger of exaggeration, at 1*l.* per acre, or 669,247*l.* annual income.

"The Act of 3rd and 4th of William 4th, chap. 37, provides that the tenants may purchase the fee at the improved value, on certain terms therein specified; a rent being reserved for ever, equal to the rent and fines now paid. The amount of the present reserved rent and fines is 151,127*l.* The future revenue from the Church lands will then be ascertained by estimating the value to be paid for the fee by the tenants over and above the reserved rent. It may be calculated as follows:

Gross amount of income (as assumed)	£669,247	
Deduct the perpetual reserved rent, equal to the present income of the see lands, from rents and fines	151,127	
Net amount to be purchased	518,120	
Value of this at five per cent., or 20 years' purchase	10,362,400	
Deduct, agreeably to the act, four per cent., or 1-25	414,496	
Value of the fee		£9,947,904
From the above sum the value of the tenants' interests is to be deducted. That interest, except in some special cases, cannot exceed a term of 21 years—although in many cases it may be less; but assuming the whole at that term, the value of the above profitable interest, calculated as an annuity of twenty-one years, would be worth (according to the common tables of calculation) 1,282,115*l.* (or nearly thirteen) years' purchase, which in this case would produce		6,642,894
Balance to be derived from the sale of the fee		£3,305,010

Then the Bishops' lands would produce a revenue as follows:—

Rents per annum	£151,127
Capital produced by sale of fee, 3,305,010*l.*; interest thereon at 4 per cent.	132,200
	283,327

To this is to be added the income arising from the rents of glebe lands as per returns . . .	86,572	
Ditto from dignitary and chapter lands	30,124	
Total annual revenue . .		£400,023
The charges on this would be as follows:—		
Four archbishops at 2,000*l.* per annum; eight bishops at 1,000*l.* per annum .	16,000	
Estimated annual expenses of vestry assessments . . .	59,412	
		75,412
Balance applicable to the stipends of the parochial clergy . . .		£324,611

Revenue omitted in the above calculations with a view to cover errors or deficiencies, or debt already incurred.

In the above calculations the value of the fee of the glebe lands and chapter lands (which it is proposed shall be purchased by the tenants) is not included. The rent now paid is—		
Glebe lands . .	£86,572	
Chapter lands . .	30,124	
	£116,696	
If we take the difference between the value of a twenty-one years' interest, and the fee at seven years' purchase, this would amount to		£816,872
It appears by return No. 461, the Commissioners are entitled to an annual sum of 7,500*l.* for fifteen years, being the amount of annual instalments repayable on loans. This, at ten years' purchase, and five per cent., is worth		75,000

By these calculations then, it would appear that a revenue of upwards of 300,000*l.* per annum might be made applicable to the parochial clergy. His second resolution was,—

"That it is expedient that the monies necessary for the aforesaid compensation should be advanced out of the public revenue, and afterwards repaid by instalments from the proceeds of a tax to be imposed on the profit rents; such tax to cease and determine as soon as the said debt shall be discharged."

It was necessary he should show the practicability of ascertaining and levying the tax proposed; and for this purpose he would read all the resolutions which he should submit, in the event of the first and second resolutions being agreed to.

Resolution 3.—"That for the purpose of ascertaining and levying the centage required by the second resolution, power be given in the respective parishes to the churchwardens (or such other officer as may be appointed for the purpose) to ascertain by an inspection of the leases or receipts—or by such other means as they may deem expedient—the amount of rent paid by each occupier of lands or tenements—and to make a return of the amount so paid, and to whom paid, and of the total amount paid to each landlord.

Resolution 4.—"That the per centage shall be charged on the landlords accordingly (allowing a power of appeal against error, and a drawback on rents reduced or in arrear,) which per centage (after due notice) shall be paid by the landlords, within a time to be limited, to the officers appointed to receive the same. That such per centage if not paid shall be recoverable as any other debt due to the Crown; and in case of non-payment on a decree of any Court, a power shall be given to enter into the receipt of the rents of the premises till the per centage be discharged.

Resolution 5.—"That in all cases of per centage chargeable on sub-landlords, such sub-landlord and all intermediate landlords shall be entitled to deduct a like amount of per centage from their superior landlords respectively, till it ascends to the landlord having an interest in fee, or any other interest which for the purpose of this assessment shall be declared equivalent thereto. That in like manner, landlords subject to rent-charges, or other incumbrances secured upon lands, shall be entitled to deduct a like per centage from payments made under such securities."

The hon. Member then read the following estimate, with reference to the amount of compensation:—

Lay tithes, as per returns, amount to about	£100,000 yearly	
Deduct three-tenths,	30,000	
	£70,000	
Compensation on this sum, at sixteen years' purchase, would amount to . . .		£112,000
If the reductions which would take place on the revenues of incumbents should amount to 250,000*l.* yearly, and if we suppose their life interests to be worth, on an average, ten years' purchase, the sum required for compensation would be . . .		2,500,000
		£2,612,000

The rental of Ireland, at the lowest calculation, amounted to 12,000,000*l.*; one shilling in the pound on this income would amount to the annual sum of 600,000*l.*, which would repay the debt with interest at 3½ per cent. in less than five years. But it was probable that much less compensation would be required, because if the estimate of revenue from the Church lands proved correct, it would be nearly sufficient to pay the whole incomes of the existing incumbents, under reasonable deductions. He would appeal to the representatives of Ireland upon this question. He would refer to the statements and declarations that had been made on various occasions by gentlemen who represented the liberal party of Ireland. He called upon them to declare to the House distinctly what it was the people of Ireland wished to have, and what it was that they would be satisfied with. They had frequently stated that the people of Ireland would not be satisfied with any thing short of the total extinction of tithes; and how, he would ask, could they accept the Bill that had been offered to them by his Majesty's Government? Would the people of Ireland agree to sacrifice the principle upon which they demanded religious liberty, freedom of conscience, and a right to worship their God as they thought fit? Would the Catholic Members of Ireland deser the grand principle of religious liberty for the paltry bribe offered by the Government Bill? Would they thus desert the Protestant interest of the empire in their efforts to throw off the restraints of religious monopolies. If the Catholics were willing to take this course, he would tell the House there was a Protestant interest in Ireland, which, if he knew their principles, would not succumb to this degradation—he alluded to the great mass of the Presbyterians of Ulster, who were determined to demand the extinction of tithes on the noble principle of religious freedom—who were ready to give up their own *regium donum,* on the condition of tithes being extinguished—or even, he believed, without that condition. He called upon Irish Members, representing the Catholic Community, not to permit his Majesty's Government—that House —or the British Nation, to be deceived with reference to the objects and demands of their constituents—and not to agitate the minds of the people for any object which they would not support in that House. They told the people that it was contrary to conscientious principle to pay tithes to the Established Church—by those means resistance was generated—blood was spilt; for this blood, then, they alone would be accountable, if they excite the passions of the people for objects which they were not themselves determined to sustain by their votes in that House. He was himself a proprietor both of lands and tithes—and, therefore, in the proposition he submitted, he should not be liable to the imputation of forcing upon others, who had interests in those properties, any measures which he was not willing himself to submit to. He must also state, that he was a member of the Established Church—and he advocated the extinction of tithes, with a view to the advancement of Protestant principles—from a feeling that the diffusion of these principles had been retarded by the offensive position in which the Protestant Church had been placed by that impost. He stated, that he could not give a vote in favour of the Government Bill, from the objections he had already submitted. But there was another objection—which, as a Protestant, he could not overcome—it was this—that by the intended Bill the stipends of the clergy would be left in so great a degree at the discretion of the Government, as to their amount, that the clergy would be rendered the degraded expectants of the favour of whatever Administration might be in power; they would receive their stipends like the *regium donum* of the Presbyterians, which was sufficient to debase and paralyze any church, and to render its ministry ineffective to the cause of religion. The hon. Member concluded by thanking the House for their patient indulgence, and by moving his first resolution.

Viscount *Morpeth* said, that after the full discussion and decided opinion which the House had given on this subject, he hoped the hon. Member would not think him chargeable with disrespect to him if he declined entering into any reply to his speech, and called upon the House to proceed to the practical matter in hand.

Mr. *Dillon Browne* rose to second the motion, and begged to make one preliminary observation. He did not second the motion for the purpose of embarrassing his Majesty's Government, but for the purpose of fulfilling a duty to his constituents, and redeeming the pledges he had given them. He did so for this purpose, that if hereafter he thought it necessary to agitate this question amongst those persons who had sent him to the House, it might not be stated that he expressed sentiments out of doors which he had not the manliness to maintain and justify within the walls of this House. In supporting the propositions of his hon. Friend, the Member for Dundalk, it might be stated that he was embarking on a wild and visionary scheme, but such arguments had been offered in the infancy of every measure affecting the liberties of this country. In days gone by, the advocates of Catholic emancipation had been considered as vainly speculative as he might on the present occasion, and within his own recollection, he could point to the period when as a boy, he read with delight the speeches of the noble Lord, the Secretary for the Home Department, when within those walls he propounded his schemes for the reform of that House to an inattentive audience, and supported only by a few but faithful friends. In advocating the propositions of his hon. Friend, he begged to state that he did so [reservedly. He did not altogether approve of all the points embraced by his hon. Friend's resolutions: but he supported them because they embraced a great principle, the total abolition of tithes in Ireland, or rather the diversion of tithe property to other, and, what he conceived to be, better purposes. Did he do so at the suggestion of the people of Ireland? He begged to state that he advocated a measure recommended by the universal prayer of the people of that country; for let the House regard the different petitions forwarded from that country, and they would find the sentiments of the people expressed in this strong and unequivocal language—"We pray for the total abolition of tithes, not in name but in reality." Here there was no mention made of an adjustment of this question by appropriation clauses, no speculation upon surplus estimates, but a bold and unanimous call for the total and unqualified abolition of that impost. He might be asked what he meant by the total abolition of tithes—did he mean that the tithes should be taken from the Church establishment to be added to the rent-charge of the landlord? He contemplated no such change. Such an arrangement would only abolish the word from the vocabulary of the language, while the substance which the term tithe represented would continue as a burthen upon the people, though not in the same noxious and offensive character. He cared not whether it was called tithe or rent; but he considered it nearly an equal infliction to the unfortunate tenant to have his property distrained at the command of a Carlow landlord, who might justify such proceedings by saying it was "his right," as had been stated in that House; or to have himself handed over by a charitable preacher of the Gospel (one of the gentle Beresfords forsooth) to the tender mercies of the Barons of the Exchequer. What he meant by the abolition of tithes was, that the tithe property should be subjected to a valuation—that the present incumbent should be provided for for life—that the surplus should be devoted to the relief of the poor, and that each religion in Ireland should in future contribute to the support of their respective church establishments. He begged to state, that it was an anomaly in Government that millions should contribute to the religious worship of a few thousands. Did the missionaries of the Established Church mean to convert the Papists by this means? They speculated wrong; and he believed, that the benighted children of Rome, though they made them pay toll for the road they took to Heaven, would not be induced to go that way, but would rather go round by purgatory, than take the short cut which had been recommended to them. The Irish Church had been aptly compared to an Irish regiment, which had the whole train of officers from the Colonel downwards, but only one private. So with that Church establishment; it had its goodly apparatus of Archbishops, Bishops, Deacons, Prebendaries, Canons, Rectors and Curates, and what was better still, its tithes, glebe-lands, cathedrals, churches, but no flock. The noble Lord, the Member for North Lancashire, he believed it was who had used the term "Cerberian." The Irish Church might be as aptly compared to that many-headed gentleman. He did not mean to say that it was the guardian of the same portal; but it had as many heads stretched out for sops, and but one lean and emaciated body. Let them suppose three goodly Bishops, followed by a meagre sexton, and a sexton comprised in his person generally the aggregate of an Irish congregation. Let them suppose these things, and they would have an apt personification of the many-headed monster and his spectre-like frame. Hon. Members had spoken of the immaculate purity of the church and of the piety, zeal, forbearance, and other Christian virtues of her clergy; but as long as these men continued to be tithe-campaigners of that Church, were they calculated to conciliate the people? He could imagine nothing more heinous, than that men, wearing the garb of religion, should be prodigal of the lives of their fellow-beings. They might have revealed truth in their mouth, but the uncharitable would say, they had the mammon of iniquity at their hearts. They laid one hand on the sacred book, and they grasped the sword in the other. He had already said, that he was grateful to Government. Ireland ought to be grateful to the present Government, for it was the only Government which had given earnest of doing justice to that country. The British people ought to be grateful to the Ministers, for they had candidly avowed that they had made reform the great principle of political architecture on which they meant to continue the structure of the constitution. Reform had taken deep root in the soil—no legislative power could impede its growth. Coercion Bills might be passed, but such measures, by exciting the indignation of the people, only produced a re-action that must tend to the extension of civil liberty: and from the wounds they left on the Constitution there sprang a thousand fresh and vigorous shoots. What he desired was, that tithes, as at present existing, should be subjected to a revaluation—that the clergy of the Established Church should be provided for for life—and that the surplus should be devoted to the relief of the poor. By that, not alone an act of justice would be done, but it would be accompanied with a favour and a blessing. It would not alone remove the serpent from its victim, but would extract from the body of the dead a remedy to heal the wound that had been inflicted.

Mr. *Randall Plunkett* said, that as he had a strong conviction on his mind that the Government did not intend to yield one iota of the principle of appropriation, and as hon. Members on his side of the House were as determined to oppose that principle, he could not conceive what object the noble Lord could effect by going into Committee on this Bill, unless the noble Lord was prepared to say that he had an object in carrying it where there was a majority, in order that it might be rejected where there was an opposing majority. He believed the hon. Member for Dundalk was sincere in the course he was taking, but he denied he had any right to assume that the Presbyterians of the North were by any means unanimous in favour of an extinction of tithes. For his part, he protested as strongly against the Bill of His Majesty's Ministers as the resolutions of the hon. Gentleman, for he did not think it behoved a Protestant Government, by subtracting from the means for maintaining its own Church Establishment, to provide instruction for those from whose doctrine they conscientiously dissented.

Mr. *O'Connell* said, that this was a most fruitless discussion. His hon. Friend the Member for Dundalk, had made what they would call in Ireland an " out-of-a-face speech" — no compromise — nothing but eternal justice; yet what the hon. Member moved began with those miserable words, " it is expedient." He first rested his case upon justice, and then turned round and talked of expediency. He (Mr. O'Connell) could not agree with the hon. Member's resolutions for the abolition of tithe. But then they made compensation. Yes; but he would ask where was the good of taking money out of one pocket to put it into another? Persons not connected with the Established Church were to be relieved from all assessment, and instead of which it was to be supported out of the public revenue. Now, this part of the hon. Member's proposition was most contradictory; for did not Roman Catholics and Presbyterians contribute to the revenue as well as Protestants? But he proposed to repay the revenue by a tax to be imposed on profit rents, to which the very same answer applied, namely, that that tax would fall upon Roman Catholics as well as Protestants. His hon. Friend, the Member for Mayo (Mr. Browne) had supported both the abolition and appropriation of tithe; but if tithes were abolished, he (Mr. O'Connell) should like to know how they were then to be appropriated. In his opinion no man could support the motion of the hon. Member for Dundalk.

Dr. *Bowring* thought that every proposition of his hon. Friend, the Member for Dundalk, was entitled to the approval of the House of Commons. His eloquent Friend, the Member for Kilkenny, had argued that the expediency of putting an end to the tithe system was a different thing from its justice. He could not perceive the distinction. In legislation justice was expediency, and expediency was justice. The proposition went on to say that tithes ought to be extinguished, but it did not deny that the rights of living proprietors should be respected; on the contrary, it insisted that they should be recognised, and made more available for the purposes of religious instruction. It proposed that the really meritorious, the working clergy, should be more liberally remunerated; but went further, it proclaimed the greater and the higher principle, that no man should be compelled to contribute to the expenses of a religion of which he disapproved. This was the true, the simple application of the Christian principle.

Mr. *W. Smith O'Brien* had already stated that his opinion was, that the fairest way of dealing with the question would be to raise a land-tax, which should fall equally on persons of all persuasions.

Mr. *Grattan* said, he in part agreed and in part differed from the resolutions of his hon. Friend; but he thought the better course for him to take would be to withdraw his resolutions.

Mr. *Crawford*, in explanation, said the proposition he now brought forward was suggested to him by the hon. Member for Kilkenny himself.

Mr. *Finn* said, that he had always maintained that after the lives of the present incumbents the Protestant Establishment ought to cease to exist.

Mr. *Shaw* believed he should better consult the feeling of the House, as well as abide by the understanding which existed between both sides on the subject, by not dwelling at any length upon the observations which had been made by hon. Gentlemen opposite in that stage of the measure. With regard to the proposition of the hon. Member for Dundalk to abolish tithes and tithe compositions altogether, it might be more honest and consistent than the plan of the Government—but still, as it was not even entertained by them at present, it would be a waste of time seriously to argue it—then as to the various allegations which had been made against individual clergymen, he had no doubt, if he had an opportunity of inquiring into the facts of these cases, he could satisfactorily answer or explain them—but after all, what had it to do with the merits of the present question, whether this or that particular curate was well treated or otherwise by his rector? He (Mr. Shaw) was as anxious as any one could be for the better provision of what were called the working clergy—to put an end to non-residence, unions, pluralities, and every defect which might exist in the church, but that was not the object of the present Bill. He could, too, disprove the calculations as to numbers and property of the church, which had been adduced as arguments by gentlemen on the other side, but he felt he should be departing from the agreement to which the House had bound itself, and he would, therefore, confine himself to matters of detail in the Committee.

The House divided on the original Motion—Ayes 61; Noes 18: Majority 43.

List of the AYES.

Aglionby, H. A.
Balfour, T.
Barclay, C.
Barnard, E. G.
Bentinck, Lord W.
Bernal, R.
Bewes, T.
Blamire, W.
Brodie, W. B.
Brotherton, J.
Campbell, Sir J.
Crawley, S.
Dillwyn, L. W.
Dunbar, G.
Entwistle, J.
Ferguson, Sir Rob. A.
Fergusson, rt. hn. R.C.
French, F.
Hardy, J.
Heathcoate, John
Heathcote, G. J.
Hector, C. J.
Howard, R.
Howard, P. H.
Hoy, J. B.
Jephson, C. D. O.
Jones, W.
Jones, T.
Lister, E. C.
Mangles, J.
Martin, J.
Moreton, hon. A. H.
Morpeth, Lord Visct.
Murray, rt. hon. J. A.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
Parker, J.
Pinney, W.
Plumptre, J. P.
Poulter, J. S.
Price, Sir R.
Pringle, A.
Pusey, P.
Roche, D.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Scott, Sir E. D.
Shaw, right hon. F.
Smith, J. A.
Stanley, Lord
Stuart, V.
Tancred, H. W.
Thornely, T.
Vere, Sir C. B.
Wakley, T.
Walker, R.
Warburton, H.
Ward, H. G.

TELLERS.

Stuart, Mr. R.
Stanley, Mr.

List of the NOES.

Blake, M. J.
Bodkin, J. J.
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Bridgeman, H.
Butler, hon. P.
Callaghan, D.
Finn, W. F.
Grattan, H.
Musgrave, Sir R.
Nagle, Sir R.
Pease, J.
Power, J.
Ruthven, E.
Thompson, Colonel
Walker, C. A.
Westenra, hon. J. C.

TELLERS.

Crawford, Mr. S.
Browne, Mr.

The House went into Committee.

Clause 1. Compositions for tithes abolished, &c.

Mr. *Shaw* begged the attention of the Committee to one of the most unjust provisions that he believed had ever been attempted in an Act of Parliament—he meant, that by which all arrears due to the Irish tithe-owners—except those payable by the landlords—were by this clause to be swept away without compensation or consideration. In the various bills that had been introduced on the subject, such a gross and glaring injustice had never before been contemplated. He defied the noble Lord to produce one precedent in the whole statute-book of such a total disregard to the rights of property. The case was so monstrous, on the face of it, that argument was impossible and unnecessary. Let the noble Lord grant the balance of the million yet remaining in hands for the purpose, if he pleased. He would prefer that; but he appealed with confidence to the noble Lord and to the House, that upon the commonest and first principles of justice the idea was not to be for a moment entertained, that you could, without compensation or consent of the parties, take away the existing legal remedy—nay, further, cancel an existing legal debt; thus, too, punishing the obedient, and rewarding those who had been disobedient to the laws. He (Mr. Shaw) would not insult the good sense of the Committtee by stopping to argue so self-evident a proposition, but at once move to strike out that part of the clause which related to arrears now due. The words to be struck out were—" heretofore accrued or." He could not believe, that the noble Lord could oppose the amendment.

Mr. *French* could not conceive in what manner his Majesty's Government could justify this clause as it at present stood; and although he was convinced it must be abandoned, he thought some explanation ought to be given as an excuse for its introduction. A number of unquestionable debts, legally and justly due by one set of private individuals to another set of private individuals, were to be cancelled; the debtor was to be discharged from his debt, the creditor was to be degraded, and no compensation to the injured party was contemplated by the Bill. If public expediency required that private claims should be arbitrarily extinguished, the individuals whose rights were sacrificed were at least entitled to compensation, and that course had been pursued in all the measures which had hitherto been proposed on this subject. In the Bill of last year the arrears of tithe were proposed to be cancelled, but provision was made for their payment out of that portion of the million loan which remained unappropriated; there was at the present time an additional year's arrear to be provided for, and the provision for payment was altogether omitted. Not only were the debts due by the occupiers when their enforcement might lead to breaches of the peace to be cancelled, but the landlord who had become liable under Lord Stanley's Act (not by certificate or agreement, but as owners of estates, the tenants of which hold at will), were to be exempted from payment; a distinction was taken in favour of those who had adopted legal proceedings, who had enforced their claims by filing writs of rebellion, of the fatal consequences of which they had heard so much, and those were the persons who would be protected; those alone who had forborn to take legal proceedings were to be mulcted and punished. The class which was most deserving of consideration. those who had been lenient and forbearing, who had preferred to forego their incomes rather than have recourse to harsh measures, and to come into collision with their parishioners, were to be the sufferers. If a measure were to be devised to diminish respect for the laws—to make all parties feel it to be their interest to resist, not to obey them, this was exactly the measure, and all this for a miserable, paltry saving of the balance of the million fund—a saving, he contended, Ministers had no right to propose, as this House had twice sanctioned the application of this money, for the purpose of giving peace to Ireland. He would move the omission both of the proviso, and the words " heretofore accused or"—

Viscount *Morpeth* said, that for some reasons which had been stated before, the Government did not think fit to call upon this country to advance 200,000*l.* or 300,000*l.* to meet the arrears of tithes. He admitted, that there was some difficulty on the face of the clause, but that might be obviated by fixing a time, up to which, after the passing of the Bill, an opportunity would be afforded for recovering arrears.

Mr. *Jephson* considered this as one of the most monstrous clauses that ever was introduced into any Bill. He himself was a tithe-owner, and he waited before taking steps for the recovery of his tithes to see how Parliament would deal with the subject. He was obliged to give directions to his solicitor to commence upwards of seventy actions for the recovery of the arrears due to him; and he begged to assure the noble Lord that he was determined not to sacrifice his property. He would tell those hon. Members from whose mouths the words "justice to Ireland" dropped, that this would not be an act of justice. What would be the effect of the clause? A tithe-holder, who, from the best motives, had suffered his tithes to run into arrear until he could ascertain what Parliament would do, both in reference to the security of the tithe-owner and the relief of the tithe-payer, would be deprived of his arrears, unless he adopted those forcible means which he had been so anxious to avoid. He thought some indemnity ought to be given for the arrears.

Mr. *David Roche* contended, that the clause did not bear the construction put upon it.

Mr. *W. Smith O'Brien* thought it was useless to discuss the likely effects of the Bill, when, as had been intimated by an hon. Gentleman opposite, it was not probable that it would be carried.

Mr. *O'Connell* entirely concurred with the hon. Member for Limerick. It was clear that they were only wasting their time, for no measures for the pacification of Ireland, respecting tithes, or anything else, were likely to be passed in the other

House. He felt that they were wasting their time most miserably; and he was sorry that the hon. Member for Wenlock, who had taunted the notion of Irishmen having any rights, was not in his place to confirm that feeling. Any Bill which might contain anything like solid relief for Ireland would be destroyed by that party, which was in reality the destructive party. The mischiefs, then, which were anticipated as the result of the clause, were not likely to occur; but, if possible, they ought to be guarded against. Perhaps something might be done with respect to the remainder of the million; but he was afraid to propose any plan. In fact he was legislating in despair.

Viscount *Morpeth* saw no difficulty in carrying the clause into effect with respect to tithes that would hereafter become due; but he was quite willing to allow of some modification of the other part of the clause. He would suggest that three months should be allowed for the recovery of arrears after the passing of the Bill.

Lord *Stanley* said, that the clause prevented the parties from recovering the arrears, while it gave them nothing in lieu. This he thought most unjust. His noble Friend proposed to give time for the recovery of arrears by action. Continual complaints had been made, that Ireland was overrun with suits and actions for tithes, and yet his noble Friend now proposed to renew and protract those objectionable proceedings. He could not conceive why his noble Friend should hesitate to strike out the words relating to the arrears.

Mr. *O'Connell* wished it to be recollected what was the intention of this Bill. It was intended to pacify the people. By consenting to strike out the words referred to, his Majesty's Government allowed litigation to remain, and all suits for the arrears of tithes to continue. When there was a wish for the pacification of the country, he was surprised that any paltry consideration as to the saving of the remnant of the million could be thought of.

Mr. *Shaw* could safely undertake on the part of the Irish clergy, that they would allow their personal and private interests to interfere with any equitable and permanent adjustment of the question of tithe property, and in that spirit he was sure they would be ready to acquiesce in any reasonable arrangement for meeting the surplus of the million, applicable to the settlement of existing arrears.

Mr. *Thornely* objected to the giving up the remainder of the loan for the purpose of paying off the arrears.

Lord *J. Russell* agreed with the hon Member for Wolverhampton, and said, he was not inclined to consent to such a disposal of the remainder of the money advanced by this country. He also remembered, that the hon. and learned Member for the University of Dublin, when the loan was first proposed, denounced it as a measure pregnant with the greatest mischiefs to Ireland, and said it would be a bonus for the non-payment of tithes.

Mr. *Shaw* said, he held precisely the same opinion still, and felt that the result had fully justified his prediction, that a suspension of the payment would encourage opposition, and ultimately effect the security of the property in tithes; but now, that an entire new arrangement as to the future payment was making, he was willing to agree to a compromise in all that related to the past, and so close the account as to existing arrears.

Clause agreed to.

Clause 2.—All sums payable by instalment under the 3rd and 4th William 4th, c. 100, remitted; and any money heretofore paid thereunder to be refunded.

Mr. *Shaw* said, that if the government meant to apply the remainder of the million to the liquidation of the arrears, the present was the clause by which that should be effected; but as the Government declared that no part of the Bill should pass without the appropriation clause, he rather threw this out as a suggestion than for any practical purpose, as he (Mr. Shaw) was well persuaded that the Bill never could pass with the appropriation clause.

Lord *Stanley* said, that there were names in the list of those who had availed themselves of the million loan, that he thought would have sooner cut off their right hands than have applied for any portion of that loan, which was intended by Parliament for a very different purpose indeed. There was one case connected with the grant of money to tithe-owners which came under his observation, and which he should just mention to the House. It was well known that where lay impropriators were compensated for the loss of their tithes, they delivered in lists of the parties who were indebted to them. One of the claims founded upon those lists was disallowed upon very sufficient, but rather remarkable, grounds. The individual, whose name he should not mention, made his claim in the usual way;

the list he had given in was observed to contain one name exactly the same with that of the claimant; the explanation he gave of the matter was this—that while he was a tithe-owner he ought to have been a tithe-payer; he, therefore, owed tithe—to himself. Thus had he become a defaulter, for he never paid himself; he thought he was entitled to payment from himself to himself, and, therefore, he had included his own name in the list of the defaulters.

Clause agreed to.

Clause 3.—All lands subject to the payment of tithe compositions, charged with an annual sum, by way of rent charge, equal to seven-tenths of such compositions, to be payable by the party having the first estate of inheritance, &c., in such lands.

Mr. *Shaw* objected to the words "seven-tenths," and proposed "three-fourths" instead. He had before consented to a reduction of twenty-five per cent, thinking on the whole that was too large, but still feeling that, as a consideration must be allowed to the landlord, the Church was disposed to make a liberal allowance, and not to stand upon too nice a calculation of what the cost of collection from the occupier had actually been. He knew that in many parts of Ireland, and particularly in the south, before the tithe agitation had been excited, the tithes had been collected at a cost of five per cent; but as to thirty or forty per cent, that would be an appropriation to the landlords to which he never would give his consent.

Mr. *O'Loghlen* was glad to hear from such competent authority that the opposition to tithes did not commence with the Roman Catholics, as had been so frequently stated, but with the Protestants of the North of Ireland. He was also glad to hear from the right hon. and learned Recorder for Dublin, that he had no objection to the appropriation—that was his phrase of twenty-five per cent of the tithes to the landlords. What, he would ask, became of the right hon. Gentleman's sweeping objection to appropriation generally, if he approved of appropriating twenty-five per cent of the whole amount of tithes?

Mr. *Shaw* denied that he had said the opposition to tithes commenced with the Protestants of the north; but he did say, that, on the whole, the Roman Catholics of the south paid them cheerfully, until they were urged on to opposition by selfish agitators and a relaxation of the law. He was surprised at the misrepresentation of his words by the right hon. Gentleman. He studiously avoided the term appropriation, when he spoke of the twenty-five per cent agreed upon as a consideration for throwing upon the landlords a payment to which they were not liable by the existing law; and he took credit to the clergy for dealing with them liberally and disinterestedly on that point. What he did say was, once go beyond what could fairly be considered as a deduction in consideration of the landlord's new liability, and you would then virtually be appropriating to the landlords the property of the Church. Against that he protested, and deducting forty per cent would palpably be such an appropriation.

Mr. *O'Connell* would wish to bring forward an amendment of which he had given notice. What he would propose to do would be this—that the tithes should be reduced forty per cent—he would have the deficiency supplied out of the money collected by the Woods and Forests, from Ireland, and generally expended in England. From that sum he would take 50,000*l.* to make up the deficiency. This would make the income of the clergy equal to what it is under this Bill, and it would also afford the means for appropriation. The appropriation was most important, as it would mitigate the objections entertained against the payment of tithes. He did not want to press his motion to a division; he had no desire to waste the time of the House. There was, he said, no possibility of the Bill passing as there was a determination in the other House not to do anything to quiet the country. The other House had linked itself with the ascendancy party—of that party who appeared determined to sink or swim. He did not think that there was much buoyancy about it; but this connexion was most disastrous—certainly disastrous to Ireland at this moment, and likely to be equally so to that House at a future period. He would not, having briefly explained his views, press his motion to a division.

Clause agreed to,

On Clause 9.—Rent-charges to be under the management of Commissioners of Land Revenues.

Mr. *Shaw* objected to the rent-charges being vested in the Commissioners of Woods and Forests for seven years; and he would ask the noble Lord what was to become of them then? He had not objected to the provision introduced by the noble Lord near him (Lord Stanley), giving them the temporary management of the property as trustees for five years, while the quinquennial payments were making, and then to restore the property in an improved state to the church; but this contained no such provision.

Viscount *Morpeth* said, it was objected last year that the Commissioners of Land Revenue were too secular a body, in whose hands it would be proper to place the management of this revenue permanently.

Lord *Stanley* must also object to the proposal of opening this question every seven years. The Bill, in fact, invited parties to re-open it. His noble Friend opposite spoke of the measure as a final measure. He could not avoid congratulating the opposite side of the House on the prospect of finality afforded to it, by the division which took place that evening; nor could he avoid congratulating his noble Friends on the prospect which that division held out of its proving satisfactory. No measure ever could—it was a mere delusion to hope it ever could, unless the rent-charge were redeemable. In the then state of the committee he should not divide upon the subject, though, if the attendance had been fuller, he should have done so.

Lord *John Russell* said, that on the whole a Bill might be final, even though some particular portions of its enactments, were intended only for temporary purposes. He never meant to pledge the Government against redemption.

Clause added to the Bill.

On Clause 11.—Compositions for tithes may be revised, on application to the Commissioners of land revenues.

Mr. *Shaw* said, that they had now arrived at a class of clauses which in respect of injustice and harshness towards the Irish clergy, were, perhaps, among the most objectionable in the Bill; he meant those which gave a power of re-opening composition that had been entered into for many years past, and considered, under the faith of an Act of Parliament, as final and conclusive upon all parties. He would read to the House a paragraph from a Petition, from the clergy of the united dioceses of Ossory, Ferns, and Leighlin, which he then held in his hand, on the subject. The petitioners entreated the House on no account to open the compositions for tithe. They said, that the best means had been adopted to have them fairly executed, and, that more than seventy-three of them were made under the direction of Government, by persons who had no interest in raising the incomes of the clergy—that if they were opened, dissentions and angry conflicts would be continued, and the excitement on the tithe question, inflamed instead of extinguished. They also stated, that as the compositions had been considered final, no care was taken to preserve the original documents—many of the persons engaged in the arrangement had died, and it would be most difficult, if not impossible, for the clergy to make out proofs of the former value of the parish. As a proof how unnecessary the re-opening these compositions was, he would state a few facts in reference to them:—Under Mr. Goulburn's acts 1,505 compositions had been entered into—from these there were on both sides but thirty-nine appeals. Of the thirty-nine, fifteen were withdrawn, and twenty-four heard; and in three only was the certified amount reduced. In Lord Stanley's act, passed in 1832, he introduced a clause allowing, upon appeal under Mr. Goulburn's Acts, for three months from that time, and what was the result? There were six appeals in the whole, four of them were dismissed, in one the certificate was diminished, and in one increased. Under Lord Stanley's act for compulsory composition, there were altogether 820 compositions. There were eighty appeals lodged, of which twenty-four only were disturbed—fourteen being reduced, and ten increased. With these facts and circumstances before them, was it reasonable to give a power of re-opening agreements which had been entered into some ten or twelve years ago, when the parties were changed, many of the witnesses dead, and the documents either lost or destroyed upon the faith of Acts of Parliament making such compositions final. He admitted there might be extreme cases wanting revision, and he would provide for them, but he protested against the general principle of these clauses.

Mr. *W. Smith O'Brien* said, it was a complete farce to go on talking about the details of the Bill in the way they were now doing, when it was quite certain that the Bill would not pass through the other House of Parliament, and their labours would thus come to nothing and prove a mere mockery. Except for the pleasure of hearing themselves talk, he (Mr.

O'Brien) knew not for what purpose they were there at all.

Lord *Stanley* said, that hon. Gentlemen opposite had repeated so often that it was a mere mockery to discuss the details of this Bill, because there was little chance, as they alleged, of its passing into law, that he really was inclined to believe that his Majesty's Government had no inclination to go on with the Bill. But if it was not the intention of his Majesty's Ministers to stop the progress of the Bill, he considered that it was not a mockery for the House of Commons to assemble in Committee for the purpose of expressing their opinions as to what portions of the Bill they approved of, and which they dissented from. He certainly was not prepared to say that he expected to see this Bill pass through the other House of Parliament When he recollected the very small majorities by which certain principles of the Bill had been supported in the House of Commons, varying from thirty-seven to thirty-nine, and the very large majorities by which they had been rejected in the House of Lords, he certainly was not prepared to hazard an opinion on the prospects of the future. At the same time, however, he thought it highly important that the country should have an opportunity of seeing what points there were in this measure upon which both branches of the Legislature were agreed. He had no objection that where concealment or fraud had taken place, that the compositions should be re-opened, but to open the compositions generally since 1823, when it was morally impossible the present incumbents could be in possession of the requisite proofs, he thought would be a measure of the grossest injustice, and one calculated to produce greater mischief than it was proposed to rectify. At all events he thought justice required that no compositions should be re-opened later than the passing of his Bill in 1832. That Bill gave the tenants three months to appeal under Mr. Goulburn's Act, and if they neglected to avail themselves of it, they should not now be permitted to do so after such a lapse of time, as rendered almost impossible that the existing clergyman should have the proof required to substantiate the fairness of the composition into which his predecessor had entered.

Viscount *Morpeth* said, that the principle of this clause was one which had been very often discussed, and had always been decided in the same way. Undoubtedly, many cases of hardship existed; and it was, he thought, both fair and expedient that a power of revision should be allowed.

Mr. Sergeant *Jackson* said, that ten out of twenty, or, he might say, ninety out of every 100 clergymen in Ireland would find it impossible to bring forward the proof required. At the time the compositions were entered into the clergyman thought they were final, at all events for twenty-one years? Was it likely, then, he would ask, that they were now in possession of the evidence upon which those compositions were formed? But was the House aware of the nature of the evidence? It was composed principally of the promissory notes of poor farmers for a few shillings each, and the tithe proctors' returns. Was it, therefore, at all improbable that the clergyman should have put such documents in the fire? Where injustice or fraud could be proved he had no objection to re-open the compositions, but to re-open them generally, he thought an act of the most flagrant injustice. The hon. Member for Limerick had characterised the proceedings as a farce, but he knew not why. He understood that it was the intention of an hon. Member to bring forward a motion for expunging the appropriation clause. If that clause were expunged, he thought the Bill might be made a beneficial Bill. He thought it too much to taunt the proceedings as a mockery and a farce, but if it be either, who brought us here.

Mr. *Finn* asserted that the appropriation clause was the only clause in the Bill of any value to the people of Ireland—the only clause for which they cared one button; and if that clause were not preserved the Bill would be valueless.—As to the question of the re-valuation of tithe, he contended that you would commit an act of the grossest injustice, unless the compositions were to be re-opened in many cases.—It was quite a delusion to hope that the appropriation clause could be expunged, and without it there was no chance of passing the Bill through that House, unless the Government and the House were satisfied to disgrace themselves for ever.

Sir *Robert Bateson:* As a lover of the peace and tranquillity of his country, regretted to find, from the statement of the hon. Member who had just sat down, that the hopes had been removed which, within the last few days, were entertained that there was a chance at last that this question might be brought to a satisfactory conclusion. All parties were agreed upon the necessity of finally settling it; but that settlement was impossible so long as the appropriation clause was retained. The question of appropriation was brought forward for the purpose of upsetting Sir Robert Peel's Administration. Hon. Gentlemen opposite said to his Majesty's present advisers—we will support you upon the terms of giving us the revenues of the Irish Church, and upon no other. He would contend, that the re-opening of the tithe composition must be attended by the most mischievous consequences, and he would say, not merely for the sake of the clergyman, not merely for the sake of the tithe-payer, but also for the sake of the country, that any settlement of this question ought to be final. If the Government would abandon the appropriation clause, they might be enabled to prepare a measure which would give peace and tranquillity to the country, and remove the agitation, crime, and misery, with which Ireland was filled. He regretted to observe the apathy and indifference with which this subject was treated by those who claimed to themselves the merit of being the only friends of Ireland, and whose feeling on the subject was indicated by the deserted state of the benches opposite; but he was quite willing to give every assistance in his power towards making this an effective and serviceable measure.

Mr. *O'Loghlen* agreed fully with the proposition that had been laid down, that to open the composition generally, without guarding against an unnecessary re-valuation, would be very injurious. But the hon. and learned Member opposite would find, if he referred to Clauses 12, 13, and 14 of the Bill, that a person who felt himself aggrieved by composition was bound, in the first place, to send in his statement of facts, accompanied by an affidavit, to the Commissioners of Land Revenue, and if they thought that a *prima facie* case was made out, they were to transmit it to the Lord Lieutenant, who was to refer it to three Barristers. If an appeal had been made before the Lord Lieutenant was at liberty to allow the case to go to the Barristers or not, as he thought best. Well, then, the party complaining would be bound to make out his case before the Barristers, and sustain it by evidence, and neither the clergyman, nor the parish, nor any other tithe-owner, would be obliged to produce evidence, till a fair *prima facie* case was made out by the defendant. If this Bill passed, there would be no appeal, or petition of appeal, unless in cases, one or two of which might be found, where it would be desirable that a composition made under fraud, or rather too hastily made, should be opened.

Mr. Sergeant *Jackson* agreed with his right hon. and learned Friend the Attorney-General for Ireland in the views he entertained with respect to the cases in which it was desirable that the compositions should be opened, and if he could arrange it so as to meet those special cases only, he would offer no further objection to the clause. He would observe, that although the complaint was to be received on affidavit, the unfortunate clergyman was put to his proofs, and his oath was not taken. What he wanted was a statement of material facts, and those facts positively sworn to.

Dr. *Baldwin* contended, that the appropriation clause must be part of the Bill, and declared, that he was not influenced either by the hon. and learned Member for Kilkenny or by the Government, to whom he owed as little as any man.

Colonel *Perceval* said, that the two sides of the House were very near coming to an agreement upon the matter now at issue. The affidavit on which the composition was permitted to be opened, might be founded upon matter true to the best of the deponent's knowledge and belief. Now, if the affidavit were confined to matters of fact, that would be all they wanted. In the county which he had the honour to represent, the compositions were entered into after the minutest investigation. In other parts of Ireland, it perhaps, might have been different, but so far as regarded his part of the country, he must rescue it from the imputation of having entered into these compositions under any delusion.

Mr. *O'Connell:* If he thought it likely that the Bill would pass into a law, he should object to the clause as too stringent, and confining the cases in which the composition might be opened within limits too narrow. With respect to the compositions entered into in Sligo, he could only say, that a Protestant gentleman, Captain Willis, complained most bitterly of having been overcharged.

Mr. *Estcourt* said, that from communications he had received from Ireland, he could corroborate the statements of hon. Members on his side of the House, that the clause as it stood would be productive of serious evils to the Irish clergy, amongst whom the greatest apprehensions prevailed.

Clause agreed to.

On Clause 12, being proposed by the Chairman.

Lord *Stanley* objected to the provisions of this clause, which took the decision of a supreme court of appeal—that of the judges of assize and the Privy Council, and gave the jurisdiction to the three barristers who were to be appointed Commissioners under this Bill. The provisions of the clause would have the effect of still further opening the composition, and that, too, in a manner most objectionable.

Mr. *O'Loghlen* remarked, that the merits of any case once decided by a judge of assize, of course that decision would be acted upon by the Commissioners.

Mr. *French* contended that if any objection was to be made to these clauses, it ought to come from the Liberal Members. They were, if anything, too restrictive. The maintenance of these clauses was absolutely necessary both to the voluntary and compulsory composition. The hon. Members who objected, to interfering with existing arrangements, seemed to forget that they were about to interfere with them in a most important manner, viz., without the consent of the parties concerned, converting agreements for a short and limited time into perpetual ones. Injustice might be submitted to for a short time, but it was rather much to ask it to be permanently borne. The hon. Member for Bandon had altogether mistaken those clauses, all compositions were not by them necessarily opened; on the contrary, nothing could be more guarded against vexatious proceedings. First, it was necessary that a case should be made out to the satisfaction of the Commissioners of Woods and Forests, and unless they were satisfied of the necessity, no revision could be allowed. The statement before them must be verified on oath. It was then to be referred to the Lord-Lieutenant, and ultimately to be adjudged by barristers of standing in their profession appointed for that purpose. He really could not imagine how it was possible to guard more effectually against vexatious proceedings.

Clause agreed to.

The House resumed—Committee to sit again.

HOUSE OF LORDS,

Monday, July 4, 1836.

MINUTES.] Bills. Read a third time:—Chapels of Ease (Ireland); Benefit Building Societies.—Read a first time: —Suits in Equity.—Received the Royal Assent:—Sugar Duties; Revenue Departments Securities; Bankrupts' Funds; Dublin Police; Waste Lands (Ireland); British North American Bank; Dublin Steam-Packet Company; and a Number of Private Bills.

THE WAR IN SPAIN.] The Marquess of *Londonderry* begged to be allowed to say a few words in postponing the notice he had given, with reference to the letter moved for by the noble Duke on the cross-bench (Richmond) on the 19th of May last. He (the Marquess of Londonderry) should not have moved for the production of that letter himself, because he felt that any discussion as to the state of the war in Spain might be attended with some inconvenience to the public service; and considerable reserve had, therefore, been shown upon the question on his side of the House. But he did expect, when the noble Duke on the cross-bench had moved for that letter, bearing, as it did, on the disgraceful and disgusting manner in which the British troops had been engaged in the war, he would have favoured the House with some observations on the subject. That noble Duke declared himself free from all party; the motion he made some time ago on the subject of the Irish Municipal Corporations appeared to have exercised considerable influence on the course pursued by Ministers elsewhere; he had also shewn great dexterity in bringing down a noble Earl the other night, who had before taken leave of political life, and whose speech from the same cross-bench had been so much praised by both sides of the House, although he could not say with much justice; the noble Duke sitting on that cross-bench, and exercising so much influence, ought, after moving for the production of the letter in question, to have directed the attention of their Lordships to the subject. The question now related not only to the state of the war in Spain, but concerned the profession at large; it came home to every soldier;

for it was impossible to say whether, as matters now stood, if Lord John Hay were taken to-morrow, summary punishment would not be inflicted on him. For God's sake let things remain no longer in that state; the King's troops and ships could not be employed in that service without involving Government in a responsibility of the most frightful character. But in consequence of the absence through indisposition of his noble Friend, the Duke of Wellington, whose opinions were entitled to so much weight on every thing connected with the Peninsula, he was induced reluctantly to postpone his motion. He hoped that the Session would not pass over without their Lordships having their attention directed to this subject, and without Ministers being called to account.

The Earl of *Minto* rejoiced, that it would not be necessary for him to say one word, either as to the reasons which the noble Lord had given for thinking that these questions ought to have been put some days ago, or as to the reasons which he had assigned for thinking, that as those questions had not been put then, they ought not to be put now. He wished, however, to offer one observation in reply to those which had just been offered by the noble Earl. The noble Earl had said, that one of his reasons for not putting these questions now was, that he apprehended the discussion might be injurious to the public service, and that he observed, on the part of his Majesty's Government, some shrinking, which looked like reluctance to enter upon it. Now, in reply to that observation, he would say, first, that he saw no inconvenience likely to arise to the public service from the questions of the noble Earl; and secondly, that he himself had no reluctance to answer any question put to him by the noble Earl consistent with his duty to the public. He said this, that it might not be supposed that he shrank in the slightest degree from this discussion. He thought that the noble Earl's speech was rather addressed to the noble Duke on the cross-benches than to the Members of his Majesty's Government, and he should therefore leave the noble Duke to reply to it. The noble Earl had condemned the war in Spain, had said that it was a new and anomalous state of things, and had asked in what character did this country appear in it. His (Lord Minto's) answer to that question was, that our country appeared there as an ally under the treaty of quadruple alliance. Under that treaty we were bound to send an auxiliary naval force to co-operate with the forces of the Queen of Spain. There was nothing new or anomalous in their appearance in the field in that character. Whenever the noble Earl asked his questions he should be prepared to give them a distinct answer.

The Duke of *Richmond* would not enter at present into the question of the propriety of the war in Spain. When that question was regularly before the House, he should be ready to give his opinion upon it. He could not, however, permit the noble Earl to say that the noble Earl late at the head of his Majesty's councils (Earl Grey) had recently come down to the House upon his (the Duke of Richmond's) persuasion. That noble Earl had come down of his own accord, by his own consent, to his own great honour and credit, and had displayed in his speech of that night the same spirit of disinterested patriotism which he had displayed upon every occasion during a long life. That noble Earl had come down, and had made a speech which he could have wished to have had that influence on the cross-benches which the noble Earl said that it produced. That speech must have convinced many, but he was sorry to see, that however much it might have influenced, and would long continue to influence, the people out of doors, it had not changed the vote of a single noble Peer. He was not the noble Duke who had persuaded the noble Earl to come down on that occasion. He wished to God that he had such influence over the noble Earl, for if he had, he would bring him down as often as he could to assist and benefit the deliberations of their Lordships.

The Marquess of *Londonderry* had never supposed that the noble Duke had used compulsion to bring the noble Earl down to the House. The noble Duke however, and the noble Earl together had made a formidable diversion in support of Ministers. He should be most happy to have the noble Earl and the noble Duke as his allies; and in saying that, he hoped he should not be accused of saying anything disrespectful to either. He thought that his Majesty's land forces were placed in extreme peril in Spain by the course pursued by General Evans. The noble Earl need not flatter himself that he had got out of the scrape yet; he would have enough of it before the close of the Session.

The Earl of *Minto* had derived his information from sources less public than those of the noble Marquess; and from all that he had heard and seen, he apprehended that General Evans would proceed in the same gallant career of success which he had hitherto pursued.

Conversation dropped.

Transfer of Property Bill.] Lord *Lyndhurst*, in moving the second reading of this Bill, said that all that was necessary for him to state in support of this motion at present was, that this Bill was intended to follow up the intentions which had been partially expressed in one of the Reports of the Commissioners on the law of real property. Unfortunately, before those Commissioners had made their fourth Report, the time for making it had expired, and their Commission had not been renewed. Mr. Tyrrell, who was a member of the Commission, had, in consequence, prepared the heads of a Bill which had been circulated extensively among the members of the profession, and had been very generally approved of. A Bill prepared on those heads had been presented to the House of Commons in the Session of 1834. It was sent to a Committee up-stairs, and there underwent some alterations; but owing to those alterations, and to the multiplicity of provisions which the Bill contained, it had not passed during that Session. It was nevertheless circulated extensively, and was approved universally. The object of the Bill was shortly this:—Their Lordships were aware of the intricate nature of the law of real property in this country. The main reason of that intricacy was, that it applied the ancient institutions of the law to the new habits and circumstances of the country. The law of conveyancing was full of forms, distinguished by great prolixity, and, at the same time by great nicety. The object of this Bill was to lessen the prolixities and to get rid of the niceties which formed so constant a subject of litigation in the Courts of Law. He would illustrate his meaning by two instances. In all ordinary conveyances, the mode adopted was by deed of lease and of release. The deed of lease was rendered necessary to put the purchaser into possession of the property, in order that he might be in a situation to take the benefit of the deed of release. Now this Bill would substitute one deed, which would have the effect of the two old deeds of lease and of release. Again, where a party wished to convey property to himself and to his wife, it was necessary at present to convey it first of all to trustees, and then to convey it through them back again to the party and his wife. Now this Bill would substitute one direct deed of conveyance for the other two. These were samples of the objects of the Bill, and having made this statement, he hoped that he had said enough to convince their Lordships that it ought to be read a second time.

The *Lord Chancellor* agreed in the principle and the propriety of this Bill. The rules of conveyancing ought to be adapted to the circumstances of the property of the country. There were some details in this Bill from which he differed, but he would reserve them for discussion in the Committee.

The Bill read a second time.

Church Discipline.] The Earl of *Shaftesbury* moved, that the Church Discipline Bill be committed.

Lord *Ellenborough* said, his objection to this Bill was, that it introduced Jury trials upon new principles. The Bill ought to state more clearly in what way these Juries were to be summoned, or how the chairman was to decide on the character, property, and even existence of offending clergymen. He had prepared some clauses on the point, and wished them to be printed for the consideration of the House.

The Bishop of *Exeter* also had some clauses to propose in points which now pressed heavily on the Church. At present, it was hardly possible to carry on proceedings against a delinquent clergyman, in consequence of the enormous amount of the costs. If they made the costs extremely light, they might be overwhelmed with the number of applications for proceedings, but at the same time they should not be of such magnitude as almost to prevent the possibility of proceeding. The object, therefore, of the clause which he wished to propose was, that there should be some species of precognition in cases of this kind, which should have jurisdiction somewhat to the same effect as that now exercised by the Grand Jury. He also intended to propose, that provision should be made to have a promoter of the proceedings against a clergyman, against whom an accusation was brought.

Lord *Wynford* complained of the clause which subjected prosecutors to costs in case the prosecution failed; but expressed himself generally favourable to the measure, and anxious that, after it had been amended in a few particulars, it should be allowed to pass. He hoped that the noble Lord on the Woolsack would consent either to such a postponement as would afford him sufficient time to prepare his amendments, or do that which he considered the better course—viz., to send the Bill to a Select Committee up-stairs, not, however, he could assure their Lordships, with any view on his part to the final rejection of the measure, which he trusted might be rendered highly serviceable to the interests of the Church.

The Archbishop of *Canterbury* was obliged to the noble Lord (Lord Ellenborough) for the assistance which he was ready to afford in the amendment of this Bill; but it appeared to him that the noble Lord, though he decidedly expressed his approbation of the Bill, had, nevertheless, at the same time objected to it, and, in some respects, he thought rather unfairly. The clause of which he had complained in particular, was no departure from the ancient laws, but actually in accordance with the present custom at Doctors' Commons. For his own part, however, he was disposed to support that proposition, because it was necessary that some security should be afforded to clergymen against malicious and unfounded prosecutions. He was acquainted with several instances in which the want of some remedy of the nature now proposed, had been attended with grievous and oppressive effects upon parties who had been unjustly accused. He had himself, when Bishop of London, been engaged in a case respecting the patronage of a school, in which a caveat had been entered against his licence, which he forbore to sign until it should be determined to whom the right belonged. The prosecutor who commenced this case, was not at the conclusion of it, in any way before the Court, and he himself was accordingly left to pay the costs to the amount of 70*l.* or 80*l.* He had no objection to the postponement of the Committee; his object was to get as good a Bill as possible, and he knew not how that could be better effected than by having all the amendments printed, for the consideration of the House.

Lord *Lyndhurst* wished to call their attention to one part of this measure. It appeared that the mode of proceeding, according to the Bill, was to be this:—A citation was to be issued to the party charged, then the charge given in writing, and the answer to that charge was then to be given in; after which a Jury would be summoned to try the case. But suppose the charge was not a valid charge in law, what would be the consequence of that proposition? Why, that the Jury would have to deal with a matter entirely out of their province, for the object of a Jury was to decide questions of fact, and not points of law. Their Lordships knew, that in such cases, at common law, the proceeding was by a demurrer.

Bill committed *pro forma.*

HOUSE OF COMMONS,

Monday, July 4, 1836.

Minutes.] Bills. Read a third time:—Murderers Execution; Bills of Exchange.—Read a second time:—Personal Tithes; Benefices Plurality.—Read a first time:—Hand-loom Weavers.

Petitions presented. By Mr. Brotherton, from various Places, against Factories' Act Amendment Bill.—By Mr. Townley, from Wisbeach, against Secular Jurisdiction (York and Ely) Bill.—By Mr. Pease, from Caltwry, for Abolition of Tithe on Fish.—By Sir Edward Codrington, from Devonport, for a Repeal of the Act 58th George 3rd, for Regulation of Parish Vestries.—By Mr. Hesketh Fleetwood, from Poulton and Thornton, for Repeal of the Bastardy Clause.—By Mr. Harvey, from the Proprietors of Licensed Beer Houses, Rochford, Southwark, and Eastern Half Hundred of Brixton, to be placed on the same footing as Licensed Victuallers.—By Mr. Ridley Colborne, from the Procurator-General, Bath and Wells, for Compensation.—By Mr. James Oswald and the Attorney-General, from Edinburgh, for Acceleration of the Mail.—By several Hon. Members, from various Places, for Amendment of Municipal Corporations' (Scotland) Bill.—By Mr. Dunlop, from Beith and Kilmauns, against Burghs of Barony (Scotland) Bill.—By several Hon. Members, from various Places, praying the House to adhere to the Irish Municipal Corporation Reform Bill as originally passed by them.—By Mr. S. Crawford, from Dundalk and Inniskeen, for Landlord and Tenant (Ireland) Bill.—By Mr. H. Fleetwood, from Preston, for Abolition of Beer Shops.—By Mr. Alderman Thompson and Mr. Fort, from Sunderland and Chipping Campden, for Abolition of Church Rates.—By two Hon. Members, from various Places, against Church Bill (Ireland.)—By Mr. Hawkins, from Newport, for Amendment of Municipal Corporations' Act.—By the Attorney-General, from Edinburgh, for Abolition of Annuity Tax.—By Mr. Harvey, from the Medical Profession, Colchester, for Medical Witnesses' Bill.—By Mr. S. Crawford, from Bangor, against Excise Licences (Ireland).

Improvements in Light-Houses.] Mr. *Warburton* presented a petition from Mr. Michael Donavon, complaining of the conduct of the Trinity-house Corporation towards him in regard to a new method which he has invented for the lighting of light-houses. The petitioner stated, that an experiment of his invention had been made at the South Foreland Light-house, and that he had been employed himself there for three months; and he further stated, that the Trinity-house had distinctly acknowledged to him that his invention was a valuable one, which must lead to very important improvements in the existing system of light-houses. It appeared from the statement of the petitioner, that his invention consisted in the employment of refracting lenses, instead of reflecting mirrors, with oil lights. The hon. Member stated, that the Report of the engineer of the Trinity-house Corporation spoke in high terms of the invention of the petitioner. The petitioner also stated, that having been thus for three months employed at the South Foreland, the light-house keeper sent up a Report to the Trinity Board that an explosion had taken place, and that the light-house had caught fire. The petitioner complained that no opportunity had been afforded him of being confronted with that person; that he had been at considerable expense in fitting up his apparatus, &c., and prayed the House to take his case into consideration. He would wait until he heard the explanation of the hon. Member opposite, an elder brother of the Trinity-house, Mr. A. Chapman, before he would decide on what steps he might hereafter take in regard to this question.

Mr. *Aaron Chapman* defended the conduct of the Trinity Corporation, and maintained that they had acted most generously towards the petitioner. Certainly an explosion had taken place, by which the lights were at once extinguished, and he called upon hon. Gentlemen to consider what might have been the effect had any of his Majesty's ships or any merchant vessels been in the neighbourhood of the Goodwin Sands at the time. The Trinity Corporation had undoubtedly promised this individual to pay him any sum that might be required in making an experimental trial of his new light, and acting upon that feeling, they had given him 100*l.* for his model, and 350*l.* more for his own time; and on an application being made by him for further remuneration, they conveyed to him an intimation of their readiness to meet his demand, provided it was anything within reason, but the demand made by him was so exorbitant, that they felt they should be guilty of a gross dereliction of their duty to the public to entertain it for a moment. In conclusion the hon. Member remarked, that this Gentleman seemed offended that his invention had not been adopted in preference to those of others, such as Lieutenant Drummond, and other gentlemen of certainly equally high scientific character and pretensions.

Mr. *Warburton* observed, that the explanation of the hon. Gentleman was not satisfactory, and thought that the Trinity-house should have erected an experimental light-house on shore, by which without incurring any risk, the advantages of the new invention might be put to the test until the discovery was perfected.

Petition to lie on the Table.

Crown Land—Radnor.] Mr. *Harvey* said, he had a petition to present from certain persons who felt themselves aggrieved by a statement made in that House by his Majesty's Attorney-General on a former occasion, when he (Mr. Harvey) presented a petition from those parties, complaining of the conduct of the Commissioners of Woods and Forests in reference to the disposal of certain manors in the county of Radnor. The Attorney-General said, that they were instigated to take the course they had adopted by an attorney of the name of Parsons. The petitioners stated, that so far from Mr. Parsons having instigated them to take that course, they had applied to him in the regular course of business to defend and conduct their case. He begged also to present a petition signed by several persons in the county of Radnor, complaining that the manors in that county had been sold in a way very disadvantageous to the public. Since the former discussion on this subject, he (Mr. Harvey) had learned that on the manor which was sold to Mr. Watt for 1,200*l.* that Gentleman had, by intimidation and other means, succeeded in getting seventy poor persons to attorn the little properties which they held to the amount of 200 acres, upon which several of them had built cottages, and which they had possessed for twenty or thirty years free and unmolested. Now, cheap as land was in Wales, the property thus gained by Mr. Watt was at least worth 1,200*l.* He thought that these petitioners had a right to complain that those manors belonging to the public were not disposed of by public auction.

The *Speaker* begged to call the hon. Member's attention to the first paragraph in the first petition he had presented. The petitioners stated, that "having read with astonishment a statement made in the House of Commons, &c.;" he submitted to the hon. Member that such a petition could not be received.

The *Attorney-General* said, that he, for one, would take no objection to the reception of the petition, though certainly the objection started by the Speaker could not be got over. With regard to the statement he had made on a former occasion, he would only repeat, that he received his information from a quarter to which the greatest credit was due, and that he had no reason to doubt a single word of the information he had thus received. Indeed, he was since informed, that a great number of the names to the former petition had been actually n the handwriting of Mr. Parsons.

Mr. *Harvey* said, that so gross a charge against a gentleman, a highly respectable attorney and a banker, in his own town, could not of course have been made by the Attorney-General upon light grounds. The learned Gentleman must have some reason for believing it. He (Mr. Harvey) most undoubtedly did not believe it, and if the gentleman so accused should write to him (Mr. Harvey) demanding an investigation, he would certainly move that he be examined at the bar on the subject.

The first Petition withdrawn.

Sir *E. Codrington* said, Mr. Watt had bought this property for 5,000*l.*, and that he had not benefited by it a single shilling. The proceedings complained of had not been taken by Mr. Watt, but by the Commissioners of Woods and Forests, who were obliged to complete their bargain with him.

Second Petition laid on the Table.

CHURCH AND TITHE (IRELAND) COMMITTEE.] Viscount Morpeth moved the Order of the Day for the House to resolve itself into a Committee on the Church and Tithes Ireland Bill.

On the question that the Speaker leave the Chair,

Sir *George Sinclair* rose, not for the purpose of discussing the principles or examining the provisions of this Bill, but in order to denounce the disingenuous and evasive course pursued by his Majesty's Ministers respecting the clause which was now to be considered in Committee—a course, which though entitled to high commendation as a model of astuteness and dexterity, was, in his opinion, totally at variance with the dictates of candour and straightforwardness. "Five months have now elapsed," said the hon. Baronet, "since the Session commenced. The introduction of this measure, upon which the Government grounded their chief claim to public confidence, and for which they were so clamourously impatient when seated on the opposition benches, was deferred until the latest possible moment; and after sundry bit and bit postponements, the Bill may be considered as once more virtually abandoned, because it is reluctantly dragged forward for commitment under a perfect conviction that it cannot possibly pass; and that his Majesty's Ministers have not the power, even if they possessed the inclination, to adopt the means which are essential for ensuring its success. Did any statesmen ever lay themselves more open to the charge of palpable tergiversation, or more unscrupulously kicked down the only ladder by which they could have clambered into place? "None but themselves can be their parallel;" and we must take a retrospective view of their last year's devices, to find a somewhat analogous illustration of their present proceedings. The Appropriation Clause, though instantly "sent to Coventry," until the 26th of June, was sanctioned, by a majority, I think, on the 6th of April. I myself suggested to this House the propriety of at once transmitting the resolution to the House of Peers, in order to ascertain whether, as the noble Lord affected to believe, they would ratify the principle, or whether as I ventured to assert, they would reject it with indignation. This would have been a manly and consistent course, but the noble Lord prudentially declined to adopt it; he shrank from the experiment of bringing the question to so speedy and decisive an issue. An usually protracted recess, a very favourite expedient of his Majesty's Ministers, almost immediately supervened. After banns had been proclaimed in the usual form by the Secretary of the Treasury, his Majesty's Ministers were formally re-married to their official brides, from whom in the preceding gloomy month of November, they had been suddenly and reluctantly divorced—

> "priscus amor redit,
> Diductosque jugo cogit aheneo."

They then retired, to pass at their respective country seats, the halcyon days of the honeymoon. Next occurred the catastrophe of the Devonshire election. The tutelary genius of Great Britain and Ireland was for a short time obscured by a temporary eclipse. Nothing could be done whilst the noble Lord was out of Parliament; *cum tot sustineas ac tanta negotia solus.* The Government resembled a time-piece, whose evolutions have been put a stop to by the unexpected rupture of the main spring—but that defect was speedily supplied by the able mechanics of Stroud, and another important wheel was instantly furnished by the accommodating artizans of Tiverton. We might, therefore, have ventured to hope that although the Ministerial machine might now and then have required to be wound up or set right, it would have performed its future movements with precision and regularity. The whole country was lost in amazement at the course pursued by the Government. The noble Lord being called upon to adjust the conflicting claims to priority between English Municipal Reform and the consideration of the Irish Tithe Question, was guilty of a palpable solecism in the heraldry of politics, by adjudging precedence to the former. Can any impartial judge confirm the noble Lord's decision? Was there, in point of urgency, the most remote comparison between these questions? But, then, it was manifest that the Government would strengthen their own hands, and secure their own tenure of office, and, therefore, "the clergy starve, that Ministers may dine." If the prominence which the two measures respectively occupied in the colloquial intercourse of private life might be assumed as a standard for estimating their relative importance, I should say, that for one quidnunc who ever broached the subject of corporate abuses, there were at least fifty anxiously inquiring from day to day, "Well, pray when does the Irish Tithe Question come on?—have you heard what Ministers mean to do with regard to the appropriation clause?" After several intervening weeks of silence and procrastination, the answer to the last interrogatory uniformly was—"Do? why they mean to do nothing at all. The clause, you may rest assured, will henceforth be a mere *brutum fulmen*, now that it has fairly answered its purpose of ousting a rival Administration." Some persons likened it to an old hat suspended on the top of a pole half enveloped in a tattered red jacket, with a rude wooden musket in its right hand, and a clumsy old broomstick in its left, and stationed in the middle of the Treasury Gardens, to scare away the whole feathered tribe of the Tories, and preventing any unwelcome intermeddlers from nibbling any portion of its golden fruit. Others, again, compared it to a train of artillery, brought up for the purpose of compelling some obstinate fortress to surrender, but which is quietly replaced in the arsenal as soon as the garrison capitulated and marched out with all the honours of war. No one indeed, either thought then, or can imagine now, that the principle would ever be formally avowed and openly abandoned by his Majesty's Ministers, or that they could, without a total loss of character, resort to any expedient for shaking it off; but is there any essential difference between such ignominious inconsistency and the annual reiteration of the Machiavelian farce of postponing the question until the fag-end of the Session, when most of the Members of both Houses are out of town, out of health, or out of patience; so that discomfiture may be instantly succeeded and palliated by a convenient prorogation of Parliament—a discomfiture, permit me to observe, which his Majesty's Ministers endure with philosophic equanimity, and indeed with a display of every virtue under heaven, except that of a becoming resignation. But their design manifestly is to make the two ends of the Session meet as soon as possible, so as to secure to themselves the disbursement of the loaves and fishes during the recess. Notwithstanding the late plentiful harvest of mitres, more bishoprics may be dropping in, judicial situations may become vacant, the monthly obituary of general officers is usually most prolific during the autumn; in this way, it is more than probable that the gaping mouths of many Ultra-Whig Cerberuses, whether lay or clerical, legal or military, may be stopped, or rather sopped, before Parliament meets again. Never were Utopian simpletons more palpably the dupes of their own credulity than those who fondly imagined that the age of influence, like that of chivalry, is past; that the era of economists and calculators had succeeded, and that the glory of patronage was extinguished for ever. Why, Sir, the very system is openly avowed to be one of the principal engines for maintaining Ministers in office. There never was a period in our history, when offices of every description were so eagerly grasped and so tenaciously monopolized by those who subscribed to all the articles of a certain political creed, and when the decisions of the Government in this department were watched by jealous supporters with such lively and lynx-eyed vigilance. It is become almost a *sine qua non* even for admission into the magistracy, that every candidate should be faithful, and bear true allegiance to his Majesty's Ministers, as well as to his *Majesty* himself. It must, however, be admitted, that with regard to the distribution of official patronage, his Majesty's Ministers, though much to be blamed, are, perhaps, still more to be pitied. There are amongst them some who, if left to themselves, are not indisposed to be liberal, in the old and obsolete acceptation of the term—that is to say, not harsh, not unkind, not ungenerous, not exclusive; but they are in a state of abject and ignominious vassalage to imperious and importunate partisans: and, above all, to a ruthless and rapacious press, without whose countenance and co-operation neither their places nor their popularity would be worth a fortnight's purchase. Of them it may be said, as of the Jews in Egypt, that their lives are made bitter by hard bondage. The grasping greediness of their satellites out of doors is become a by-word and a reproach in every district throughout the empire. They are beset, besieged, and bullied, by a countless legion of hornets, harpies, and horse-leeches, vociferating without intermission, not only, "Give, give to us," but "Take away, take away from every one besides." If the power of these inquisitorial autocrats were commensurate with their vindictive avidity, they would, without ceremony, distinction, or remorse, rend the coif from every Tory judge, and snatch the mitre from every Tory bishop, and cashier every Tory Lord-lieutenant, and dismiss every Tory public functionary, however blameless his conduct, however amiable his character, however eminent his deserts, however moderate his political opinions. If a war were to break out, his Majesty's Ministers could not venture to intrust the command of an army to so incorrigible a Tory as the Duke of Wellington. Had Lord Nelson been spared to his country until now, and possessed Conservative politics, it would have been an act of high treason against the exclusive spirit of ultra Whiggism out of doors, and as much as their places were worth to have placed him at the head of a fleet—for, if we may judge from the sentiments embodied in sundry Ministerial publications, there are not a few politicians in this country, whose zeal outstrips their patriotism, and who would rather that a British squadron were defeated under a Radical commander, than that a Conservative admiral achieved a triumph. The public mind, however, cannot long be deluded by the flimsy pretensions of pseudo patriots. We know that selfishness is the banner under which they subsist, and that slander is the garbage upon which they luxuriate. But no candid or well-regulated mind can remember without honest indignation the foul and atrocious aspersions with which his right hon. Friend, the Member for Tamworth, was assailed by reckless libellers during his brief but brilliant career as Prime Minister of the empire. He was told that no man regretted so much as he did the necessity of being virtuous; that he ought, by a timely retirement, to save the wreck of his former character. To the eager partisans of revolution throughout the realm it was announced, with ferocious exultation, that not only his physical strength, but his mental energy, was sinking under an accumulated weight of solicitude and responsibility. And this, forsooth, was proclaimed, as a cause for natural gratulation, with respect to the very individual who, a few weeks thereafter, on his lamented and ominous retirement from office, was not only honoured by hundreds of thousands of his disinterested and intelligent countrymen with the loudest and most unequivocal assurances of their confidence and gratitude, but has since had what some would account the honour, but what he, perhaps, deemed the misfortune, to be eulogised and quoted as an authority by his Majesty's Ministers themselves. I would observe, in conclusion, that a great majority of the religious, enlightened, and wealthy classes, view the intentions of his Majesty's Ministers with alarm, and their principles with disapprobation. They long to see a Government formed under the auspices of my right hon. Friend, the Member for Tamworth, and my noble Friend, the Member for Lancashire—a Government which, whilst zealously engaged in temperately reforming all abuses, would at the same time maintain the institutions of the country inviolate and unimpaired. I do believe that if any member of the present Cabinet had been assured a few years ago that he would be concerned in some of the measures now in progress, and that the ablest and most indispensable of its supporters would gravely enrol in the books a notice for reforming, or rather for degrading, the House of Lords, he would have exclaimed, like Hazael, when told by the prophet that he would perpetrate a crime of which he at that time deemed himself incapable, "Is thy servant a dog, that he should do this thing?" To what still more desperate extremities they hereafter may be urged to proceed in the headlong career of their ambition, I shall not attempt to prognosticate; but, in my humble judgment, the whole system of their present policy, both foreign and domestic, is much more calculated to prevent, than competent to promote, "the advancement of God's glory, the good of his church, the safety, honour, and welfare of our Sovereign and his dominions."

The House went into Committee on the Bill.

On Clause 50, enacting the appointment of the Ecclesiastical Committee of the Privy Council,

Lord *Mahon* said, Sir, the preceding clauses of this Bill are of such a nature that, discussed in a spirit of fair and mutual concession, they might be probably adjusted to the satisfaction of both parties. But the Committee has now arrived at a point of principle, and, on the fullest and calmest consideration I have been able to give it, and with the most anxious wish to see this question settled, these dissensions appeased,—I must say that the question of the inalienability of Church property is one that admits of no compromise, of no concession. On this principle, therefore, do we take our stand; and on this do I feel myself bound to move, that this, and the following clause, be omitted from the Bill. Sir, in the course of these discussions the arguments of those who advocate a diversion from the revenues of the Irish Church, may, I think, be classed under two heads. It has been alleged by some, that the Irish Church establishment is, or has been, so negligent and inattentive to the duties connected with it, that it does not deserve the same consideration as the Church of England. Others, without having recourse to these attacks, rest their objection solely on the great disproportion of numbers between the Protestant followers of that Church, and the Roman Catholic population. I think that all the arguments we have heard belong to one or the other of these two. Now, with regard to the first, I am not prepared to assert, that the Church of Ireland has been at all times free from blame; I fear that, on the contrary, if we look to earlier periods, we shall find that serious charges of negligence and remissness could, with justice, have been brought against it; and I derive this opinion, not merely from the positive testimonies which have been alleged to that effect, but from the following consideration. In common with a great majority of this House, I believe that the cause of the Protestant religion is the cause of truth. I believe, also, that the people of Ireland are fully as intelligent and acute as the people of Great Britain. To what cause then, can I ascribe the slow diffusion of what I believe to be the truth amongst a people which I know to be intelligent, whilst the same truth has so triumphantly prevailed in England and in Scotland? Why, Sir, I am driven,—reluctantly driven,—to the belief that the cause must be ascribed in some degree, at least, to the negligence and inefficiency at that time of the Irish Church Establishment.

But, Sir, is this the case now? Were the causes of this inefficiency of a temporary or a permanent nature, may not this inefficiency be traced most clearly as a natural effect of the old penal laws, under which the Roman Catholics suffered? Those unhappy Statutes set up an insuperable barrier between the Protestant and Roman Catholic population of that country—bound together the Catholics by the common tie of persecution, and checked the Protestant clergy in all their attempts to gain the confidence and love of their parishioners. Can we wonder, then,—I put it in candour to the honourable Gentlemen opposite,—that, in many cases, the Protestant clergy should have been discouraged and disheartened—have flagged in exertions which they have always found unavailing, and too frequently forsook the benefices, where they found themselves the objects of popular ill will? In like manner, as the conversion of Connaught and Munster was checked in the 16th and 17th centuries, by the lawless habits and separate language of the people; so in the 18th century, it was prevented by the penal laws, which only irritated and estranged those whom it was intended to restrain. Such, Sir, was the cause, and such was the effect; and it will be found, that in the same proportion as the cause has been removed, the effect has ceased. In the same proportion as these laws have fallen one by one, before the rising spirit of the age—before the benevolent efforts of such men as Mr. Burke—in that very same proportion have the Protestant clergy become more constant in their residence, more assiduous in their cares, more eminent in every acquirement, that can add lustre to their sacred office. I am firmly persuaded, that there does not now exist upon the earth a body of clergy more pious—more irreproachable—more eminent, both for virtue and learning, than the suffering

Church of Ireland. Any honourable Member who thinks that he ought to deal with it as with a corrupt church, would, I am convinced, be legislating for the past and not for the present. This is frequently the case—the cry against an abuse continues long after the abuse itself has been removed. The cry continues—it becomes triumphant—and then it happens that the innocent suffer for the guilty! Any legislation which you would carry on in this spirit against the Irish Church, amounts to this:—That an excellent and irreproachable clergyman, in 1836, is to suffer, because his predecessors some sixty years ago happened to be careless! I believe, from all the information I have heard, that if any honourable Member will look at the Irish clergy with the spirit of a juror, and with a determination to do justice, he will, at the close of his inquiry, with his hand upon his heart, bring in a verdict of "Not Guilty."

But then, Sir, I come to the second point. Say some persons, the grievance we complain of is independent of the conduct of the Irish clergy; it rests on the anomaly as to the great proportion of the Catholic population. There are less than 1,000,000 of the Established Church; there are above 6,000,000 of Roman Catholics; and this they urge is a monstrous anomaly. Why, in the first place, let me ask, how far is this consistent with the demand for perfect assimilation between the two countries? Have we already forgot the debate on the Corporation Bill? How many days is it since the walls of this House rang with the indignant outcry that Ireland should be treated precisely on the same principles as Devonshire or Yorkshire? Now, then, let me put this case: supposing some parish in Yorkshire or Devonshire, in which the majority of inhabitants are Dissenters; and that they should call, on that ground, for a division of Church property, how would such a demand be received by the House or by the country? Would the House think of admitting such a claim? Now, then, if Ireland is to be governed in all respects as an integral part of Great Britain, we must consider not merely the 6,000,000 of Catholics in the former, but the 16,000,000 of Protestants in the latter, and establish a church for the majority of the whole. Is not this fairly following out your own principle? Or do you think it reasonable to assert a principle just so far as may suit your purpose, and quietly discard it the moment it has served your turn? But, Sir, I do not meet the question on this ground. I, for one, do not maintain the fantastic notion of perfect assimilation. I am not a political Procrustes; my object is to legislate for the good and happiness of the people; and if any portion of the people be in a peculiar situation, I am not to be deterred by any cant of assimilation from legislating for that portion in a different manner. Well, then, I take the case as to Ireland only. I am told that it is a great anomaly to have a Church of 1,500,000 of Protestants established amongst 6,000,000 of Catholics. I admit that it is an anomaly; but let me ask, does the Bill, does the Appropriation Clause, now before us, remove, or attempt to remove that anomaly? Not at all. Your clause goes to take away a part of the revenues of the Church, but the anomaly consists in the existence of an Established Church at all under such circumstances. If your objection means anything, it means this—not that the superstructure is too rich, but that the foundation is unsound. Are you, then, prepared to root out the Protestant Establishment in Ireland? Why, if I were even to ask the question of the right hon. Gentlemen opposite, they would resent it as a positive insult, and most properly declare themselves determined to maintain the existence of that Establishment as firmly as ourselves. Why, then, Sir, is it honourable—is it statesman-like, to declare that to be an abuse which you yourselves admit it is just and necessary to maintain? I admit that the Church of Ireland is an anomaly,—I utterly deny that it is an abuse. As long as I have a seat in this House, I shall protest against the tendency of the present times to confound together the two ideas of anomaly and abuse—of alteration and amendment. There are many and great anomalies that are not abuses:—for example, property itself—that institution for which all other institutions may be said to exist, and which is the foundation of all society,—even property is liable to very great anomalies. Can there be a grosser anomaly, in theory, than that one man, perhaps of the worst character, should revel upon 50,000 acres, whilst another man, perhaps of the highest merit, has not a hovel wherein to lay his head? Yet, in practice, does any man propose to interfere with property, and correct those anomalies? The Throne also, or the Peerage—for they both depend on the same principle, that is, hereditary right to a portion of authority—may often lead to anomalies, from the character of any one to whom that authority descends. But are the Throne or Peerage, therefore to be called abuses? Thus, also, the Irish Church is an anomaly, but not an abuse; and depend upon it that, in spite of any apparent anomaly, the British Constitution confers such solid benefits and maintains such equal rights, that we need fear no attack against it, and that I am persuaded it will rise victorious over both its open enemies and its hollow friends. How, then, is the anomaly of the Protestant Church in Ireland to be dealt with? I answer, that it may be greatly alleviated, and almost entirely removed, by a system of commutation of tithes, avoiding any appropriation of its revenue from its present purposes. For let it be observed, that the landed property of Ireland belongs to Protestants in even a much greater proportion than the population belongs to Roman Catholics. I have heard it confidently and, I believe, truly stated, that nineteen-twentieths of the land are in the possession of Protestants. Now, then, if you throw the payment of tithes upon this land, and remove it from the occupying tenant, do you not go a very great way in removing the alleged anomaly? At least, I will assert, that this arrangement is infinitely more free from anomaly than any other which you could devise for religious establishment under this state of things.

I will refrain from entering, exhausted as the House must be on the subject, into the statistical calculations connected with this clause. I could do little more than repeat the statements contained in the clear and admirable speech of the noble Lord, the Member for North Lancashire (Lord Stanley) on the second reading,—a speech, combining, in so great a degree, the most accurate calculations with the most brilliant eloquence. On that speech I take my stand. I rely upon it for the proof of the fact, that there is no surplus; or, that if a surplus be wrung from the Protestant Church, it must be so, by oppression and injustice; and that the revenues of the Church are not more than sufficient for the decent maintenance of its ministers. There are to be only 1250 benefices—this is what is proposed, and this, it is said, is an overgrown establishment. Yet, if we take no account at all of the Roman Catholics and Presbyterians, each incumbent would still, on an average, have the care of above 700 persons of the Established Church, and these, too, scattered over a most extensive tract of country; and how, under such circumstances, even from the extremity of party spirit, there can be a taunt of a sinecure Church, I own, I find it difficult to understand: however, I repeat it, I will avoid entering again into these details; but I wish to say one word with respect to a subject which is often thrown in our teeth, and which I think has not been sufficiently noticed on this side. I mean the religious system of Prussia. I believe that it was this foreign analogy which chiefly weighed with many worthy and respectable men,—more especially with one of my earliest and most valued friends, who I am sure, neither on this or any other subject gives his vote on any but most conscientious grounds, the hon. Member for Berkshire (Mr. Pusey). Now, with respect to Prussia, there is a Report ably drawn up by Mr. Lewis, and presented to this House under, I must say, rather suspicious circumstances, and leading to the belief that some Members, at least, of his Majesty's Government do not think the Prussian system without application to the state of Ireland. Now the practical question is, how, in the Prussian system of co-equal establishment for both persuasions, religious peace and civil quiet can be in any degree obtained? Why, if hon. Gentlemen will look to the Report, they will find that they are obtained by the absence of freedom, and that the Prussian Government calls its political despotism in aid of its vaunted religious impartiality. In the 7th page of the Report, I find these words:—

> "Proselytism, or inducing a person to change his religious faith by force or persuasion, is specially prohibited by law. Controversial sermons are forbidden by law, and are punished by a fixed term of imprisonment."

Now, then, here you have the article, but what say you to the price? Are you willing to subvert the Irish Church at the expense of subverting also the British Constitution? Would the Prussian regulations be considered acceptable in this country? What would you say, here, where the press is as free as air, and the fullest licence given to every controversy, if you saw a Protestant clergyman dragged to prison for preaching against what he believes the errors of Popery? Or, take the opposite case, which I am just as ready to put. Do you wish to see imprisonment put in force against the Catholic priests for denouncing (as they have a perfect right to do) what they would call the dangers of heresy? Such a system of ecclesiastical government is totally incompatible with the free Constitution of this country.

Sir, in conclusion, I must earnestly appeal—not to his Majesty's Government, nor to the followers of the hon. and learned Member for Kilkenny (Mr. O'Connell), but—to the independent Members of this House. Several of them have not hesitated to own in conversation their alarm at the aspect of the times, and their apprehension that his Majesty's Ministers would not be found sufficiently firm in the day of trial. Let me, then, ask them whether they will risk the dangers that will most certainly follow, merely for the sake of trying an experiment with an abstract principle? Will they, for the sake of a surplus which must be either imaginary or extortionate, take the first step against the property of the Irish Church? If they do, let them be assured that the first step will be followed by another against ecclesiastical property at home, and that, in fact, the battle of the Church of England will be fought on Irish ground. Let them depend upon it that they cannot say to the multitude any more than King Canute could say to the waves, "Thus far shalt thou come and no further." I trust, then, that the honest and independent Members of this House will vote in support of the motion which I have now submitted; and, in so doing, afford us what I shall consider, not a party triumph, but a great national advantage.

Mr. *Poulter:* Sir, I cannot admit that this Bill does alienate permanently any portion of the property of the Church. I see in it provisions for the appropriation of that which it seeks now to deal with to the moral and religious instruction of the whole people of Ireland, only so long as there can be discovered no substantial Protestant duties unprovided for. And I see in it provisions for supplying such deficiencies wherever they shall truly arise. The noble Lord who has just sat down says, that though he will not agree to the principle of appropriation, he would propose a complete reform of the Protestant Church in Ireland. I ask the noble Lord why it was that such a proposition never proceeded from the other side of the House until appropriation was demanded? When was it that Gentlemen on that side ever thought of looking into the abuses of the Irish Church, until his Majesty's Government thought it their duty to set apart the surplus of its revenues to the moral and religious education of the Irish people. They never adopted reform till they were driven to it by dread of something else. They act upon the question of Irish Church Reform, exactly as they did upon Irish Corporation Reform. When they wanted to stave off reform in the Irish Corporations, they told us they were ready to give up all the abuses of the old Protestant Corporations. But they never discovered those abuses until his Majesty's Government brought forward a measure that would give new reformed Corporations to Ireland. And now the noble Lord, in opposition to those who on this side of the House advocate most conscientiously a religious principle—brings forward his pretended proposition for reform, which was never dreamt of by Gentlemen opposite except as a means of averting something still more obnoxious to them. Had Government never acted as they have done, they would have continued the abuses of the Irish Church and the Irish Corporations; and they now only wish to prevent the greater measure of reform by conceding the smaller. The noble Lord talked about the English Church, and said present Bill was only the precursor of an the attack upon that Church; but that is not a fair argument; does not every body know that in the most fair and equal distribution which can take place, and I am happy to learn that a more fair distribution is about to be proposed to Parliament. Does not every body know, that in the present population of England, it will be impossible to bring home to every part of that population the benefits of the Protestant Establishment. So far therefore from agreeing that there is any fear of the principle of this Bill being applied to the English Church, the noble Lord knows well that such a proposition would be rejected by a vast majority of this House; nay, that without any assistance from the other side, the great majority, if not all, of those who sit on this side would instantly negative a proposal to deduct one farthing from the Protestant Establishment of this country. The noble Lord spoke of private property; but what analogy is there between the case of property conferred upon a certain body of men upon condition of their maintaining a high public character, and conducting themselves honourably and with propriety, and the case of private property, which is held by individuals, who cannot be deprived of it upon any such grounds? Private property is held upon no condition whatever. And what similarity is there between it and property which is held by a Church, in the nature of a public establishment, having public duties to perform, in default of which it is subjected to forfeiture as having violated the conditions which the legislature of the country thinks fit to impose. To me it has always been a great recommendation of this Bill, that it does not touch vested interests; that it does not take from any man that, the possession of which he has long enjoyed, and the continuance of which he has always contemplated, and looked to for the maintenance of his family. But the noble Lord, the Member for North Lancashire was Secretary for Ireland when a Bill passed this House which did touch vested interest, I believe it was the Church Temporalities Act, and for Gentlemen opposite who voted for that measure to object to this, is indeed, after swallowing the camel, to strain at the gnat. This Bill is founded upon just principles,—whoever accepts any living under this Bill will do so voluntarily,—will do so, fully acquainted with the nature of the reductions it proposes to effect. Whereas the Church Temporalities Act, tore away in many instances from the clergyman, that which he had looked forward to as the only means of subsistence to his family. [Lord Stanley intimated his dissent from this] I remember well hearing from the right hon. Baronet, the Member for Tamworth, a most affecting appeal on behalf of a clergyman who had been reduced to the deepest distress in consequence of the taxes imposed by that Bill.

Sir *James Graham:* No, no; it was because he culd not collect his tithe.

Mr. *Poulter:* And the right hon. Gentleman stated also, that the distress of the clergyman arose from the reductions effected in his income by that Act. [*No! no!*] At all events I return to my original proposition, that this Bill does not touch vested rights, it will establish a new state of things, under which any clergyman who accepts a living will do so voluntarily, and fully cognizant of the reductions which it will effect in his income. There has been a great change even in the language of the noble Lord opposite, the Member for North Lancashire. I remember the time when he would not consent to go into any calculations of the revenues of the Protestant Church, nor of the numbers of the Protestant population in Ireland. His argument was this,—" I don't care what your account of the revenues is, what your calculations of numbers are; whether the revenues of the Church of Ireland be great or small in reference to the population of that country." But this year the noble Lord has condescended to give us some calculations of the amount of those revenues, he has even given us some calculations as to the numbers of the Protestant population. Next year, perhaps, he will consent to go into calculations as to the Catholic population of Ireland; and in the course of time I have no doubt he will come up to the full measure of reform proposed by Government. Now, with regard to the population, I have heard it stated on the authority of a person on whose veracity I can depend, that in days of old, in the good old times, before men discovered that language was given men to conceal their real sentiments, a Protestant rector was heard to say, " I have but one parishioner, and I hope he'll soon be converted." At first sight this seems a very improper speech, but when we come to examine it, we shall see that it was very natural that the Protestant rector should feel ashamed of having a single parishioner; it is a grievance, that a man should be placed in such a situation. It is the fashion, Sir, to call all measures of Church Reform in Ireland "concessions," concessions which will end only in total destruction. Sir, I am an enemy to concession; I object not only to the principle, but I believe the word itself to be radically an improper word; it ought to be expunged from the political dictionary. If it means anything it means this, the departing from the line of just principle, and to that, I for one, will never concede; and I never wish you to make " concessions" on this subject any more than on any other; I ask you to do that which is due to a nation, and I will never consent to apply the term concession to that which common honesty and justice demand. It reminds me of a speech I once heard uttered by a Lord Chief Justice of the King's Bench, in reply to a defendant, who having gained the cause thanked his Lordship for his kindness and " concession" to him. " Sir," (said the indignant Judge,) " the Court of King's Bench never does a kindness, it never makes a concession, it administers justice impartially to all. A great deal, Sir, has been said respecting the relation of the two Houses of Parliament, and it has been confidently predicted that this Bill will never pass the Upper House. I do not think the situation of the two branches of the Legislature is at all difficult to be understood. If the two Houses always agreed upon the same specific measures, there would be no use in having two Houses. The constitutional agreement which it is necessary for the good government of those kingdoms should subsist between them, is an agreement not upon the same precise points of opinion on any subject, but an agreement upon great and leading principles. Difference of opinion may fairly, nay, advantageously exist as to the means of carrying out those principles, the errors of one House being thus corrected by the deliberations of another. But in the present situation of public affairs the difference comes to the whole spirit and principle of the government of this country; such a difference must show itself upon some occasions, and therefore, in the present instance, which is not to be regarded by itself, *per se*, but as only part of a system of hostility on the part of the Upper House to great and fundamental principles of government manifested in this particular measure. This is the state of things to which we are now reduced; I look upon the body to which I have alluded as the first body of nobility upon the face of the earth, and this only increases the regret which I feel, that such a body should for a single moment have endangered their privileges and existence, by resisting to the last every measure of reform—by obstructing all attempts on the part of a liberal government to carry on the business of the country, and especially, by resisting the settlement of the Irish Church question, as well when it was submitted to them without, as when it was coupled with, the obnoxious appropriation clause. Sir, I should rejoice to see the day in which confidence could be placed in the liberal policy of the House of Lords. I am against any organic change in that House; I am convinced that nothing but the injuries and insults which the hon. and learned Member for Kilkenny and his countrymen have sustained, would have induced him to advocate such an extreme proposition. I forgive him, but, for myself, I look to the remedy of existing evils, to the continued, forcible, but temperate expression of public feeling in the country, and in the future proceedings of this House.

Mr. *Plumptre:* Sir, I object to this Bill, because I believe it has a tendency to weaken the Protestant Established Church in Ireland. I am decidedly attached to that Establishment, because I consider it the main bulwark of the Protestant religion. I am attached to Protestantism, because I believe it to be the main bulwark of the national welfare. And I am sorry to observe, that in the consideration of this question neither the Government nor the country appear duly to have appreciated the Protestant religion. It pains me to see a measure introduced. which will, I believe, tend to weaken that religion. It seems to me a most short-sighted policy to grasp at a delusive shadow of at best a temporary tranquillity, and neglect the interests of that religion which I repeat is the only true source of the real, the permanent prosperity of a land. I object, Sir, to this Bill, because it embraces a principle to which I can never assent—the principle of appropriating property dedicated to one purpose to another and a totally different object. I object also to this Bill, because the funds which it proposes to appropriate would be diverted, or appropriated to the maintenance of a system of education in Ireland, which (however I may differ in so saying from Gentlemen even on this side of the House,) I conceive to be vicious in itself, and which, as far as I can learn, is working now in that country to the benefit of one party exclusively. I object to this measure, and especially to the appropriation clause, as unnecessary and delusive. It is quite in the power of Parliament to legislate for the Established Church in Ireland, or for a national system of Education in Ireland, without mixing the two together, and without framing a Bill which will, I believe, plunge many of the pious and unfortunate Irish clergymen into distress and poverty, but who will, I am well convinced, be not induced by any sufferings, however painful, any distress, however poignant, to neglect the duty which they owe to their flocks, and to that God by whom they have been set over them.

Mr. *Emerson Tennent:* Although he believed it was understood by the House that the consideration of this clause would afford an opportunity for the discussion of the general principle of the Bill, he would not avail himself of that permission, as well because he regarded it as a waste of time to protract the debate on a measure which all parties admitted could never pass into a law so long as this appropriation clause was retained, as because on its other main provisions but little difference of opinion existed in the House. He, of course, excepted those extraordinary provisions for wiping away the tithe arrears which were at present accruing due, and for exempting the landlords of tenants at will from those liabilities which were now imposed on them by Lord Stanley's Act, and under which the greater majority of them had already charged themselves with the tithes of their estates. He believed that it was a precedent unexampled in legislation to wipe away by one arbitrary clause the legal debts of a whole nation—to defraud by one sweeping provision some hundreds of creditors of their just and equitable claims. It was unnecessary to point out the injustice of such a proceeding towards those tithe-payers who had struggled to discharge their debts, and those tithe-owners who had abstained from any harsh proceedings for their recovery. [Lord *Morpeth*: Those clauses are struck out.] He would therefore confine his observations exclusively to the clause under discussion, and which avowedly formed the great and distinguishing feature of this Bill, and he, (Mr. E. Tennent) could state, from personal knowledge, that it was less popular at the present moment, after two years' consideration, than it was at its first introduction in the last session of Parliament. It was then eagerly embraced by that party in the country who would with equal readiness have grasped at any other expedient, however ultimately ruinous, provided it suited their immediate purpose of effecting a change in the Administration. But that very party were now of all others the most anxious to abandon it, from a conviction too strong to be resisted, that although its adoption for the moment sufficed for the overthrow of other opponents, its permanent retention must lead to renovating themselves. For a long series of years the peace of Ireland and the repose of this country had been disturbed and destroyed by a demand for an adjustment of the question of the Irish Church; that adjustment was on the verge of being effected by the right hon. Baronet (Sir R. Peel) on terms which he (Mr. E. Tennent) firmly believed would have been satisfactory to all parties, when the forcible introduction of this appropriation principle flung back the question into its original position, and interposed an insuperable barrier to its settlement: thus with a Ministry on the one hand pledged to resist every settlement of this question which did not involve the principle of appropriation, and on the other hand the remaining branches of the Legislature and the majority of the people of England equally determined to resist any arrangement in which it is included, is it not a literal and undeniable fact, that the tenure on which the present Administration avowedly retain their power, is a solemn and positive engagement against any adjustment of Irish tithes and any possible settlement of the Irish Church? Was it probable, he would ask, or was it possible, that a Ministry could continue to hold office on such terms, in the face of an unavoidable confession of their inability to effect a settlement of some of the most important questions which could occupy the attention of the Legislature? Is it "justice to Ireland" to keep open this fertile cause of discontent, festering and irritating from year to year, for no other assignable object than the retention in place of one set of men, who cannot effect a satisfactory adjustment, to the exclusion of others who can? Above all, is it justice to the poor Irish tithe-payers, who have had it in their power for some time past to obtain an abatement of from 20 to 30 per cent., which the tithe-owners were willing to pay to them in consideration of the increased facilities of collecting their income, which an equitable commutation would afford them?—is it fair or just, he would say to them, to declare that they must forego this advantage, because the abstract resolution of 1835 prohibits them from enjoying it? He (Mr. E. Tennent) knew that these were considerations which now occupied the minds of men out of doors who last session were eager for the adoption of this appropriation clause, and he felt satisfied that in that House there was no party more anxious for the abandonment of that clause than the partisans of the right hon. Gentlemen who occupied the opposite bench, provided any decent expedient could be devised for "shaking off their engagements." But there was another class, much more numerous and influential, with whom during the last year this appropriation clause has ceased to be popular; he alluded to those moderate and well-meaning men who, without being partisans on either side, were deluded by declamation and misrepresentations of the wealth of the Established Church, and allured by specious professions about the promotion of education, and the moral instruction of the people, with which the communication of this proposal was accompanied, and who, without investigating the principle of the alienation, saw nothing in the result but the application to one legitimate purpose of a sum which they conceived was not required for another, and believed that they were insuring peace to Ireland and contentment to the Roman Catholics, without injury to the interests of the Protestant Church. In every one of these particulars the parties have been successively undeceived; the vaunted riches of the Establishment have exhibited on a scrutiny a deficiency rather than a surplus, and the tone of exultation with which the proposal of their confiscation has been hailed by the Roman Catholics of Ireland has satisfied them that the passing of this clause, so far from being the end of agitation, is in reality but the beginning of change. The noble Lord who introduced this Bill (Lord Morpeth) professed to regard it as a measure of reform, and not as a project of destruction, and he (Mr. E. Tennent) had no reason to question the sincerity of his profession; but was there any man in his senses who knew the real condition of Ireland who would say that such were the feelings with which it was regarded by the Roman Catholics of Ireland? The noble Lord was a stranger in Ireland, and placed in a position with regard to it above all others obnoxious to misrepresentation and deception, and he might possibly be persuaded of the reality of a spirit of moderation which did not exist; but those who were in habits of association with the people, and who heard the undisguised expression of their feelings and objects, knew too well the extent to which they were disposed to carry every measure of (so called) Church reform. However these sentiments may have been concealed during previous Administrations, they have been avowed since the present Ministry came into office, and above all, since the passing of the appropriation resolution, with a boldness which amply evinces a belief, whether well or ill-founded, in a corresponding sympathy on the part of the Government. A Roman Catholic newspaper, lately published at Belfast, contained in one of its strictures on this measure a candid avowal of the feelings of its party from which he would beg leave of the House to read a very few sentences: "We cannot too warmly applaud the appropriation clauses of the Bill; they are admirable in providing at once a fund of large amount for the public benefit from sources which have hitherto been productive only of public injury and wrong; but they are admirable chiefly in the recognition of a doctrine which strikes at the foundation of the Irish Establishment, and furnishes a wedge which, if we have spirit and energy to drive it home will rend assunder and lay prostrate that towering system of iniquity. It is the beginning of Irish Church reform, it is nothing more; but that the beginning should have been made, is a subject for proud and exulting satisfaction. The Government, by adopting this measure of appropriation, has made a breach in the muniments of the English Church of Ireland which never can be repaired; which every day must widen until the whole fabric shall be dissolved, and the parties which have been striving in mad hostility about it for troublous centuries shall join in amity at last over its ruins." If such are the sentiments entertained by the cool and cautious Roman Catholics of the north of Ireland as to the effects of this "final measure" of Church reform, what may we imagine are the feelings of the more sanguine and inflammable inhabitants of the south? and with such evidence of the inclination, is it wise or is it prudent in his Majesty's Ministers to furnish the means to those who are so undisguisedly anxious for the destruction of the Protestant Church in Ireland? At the present moment it is chiefly as a question of principle, and not as a question of amount, that the present proposition is especially formidable. As a matter of finance the 50,000*l.* which it proposes to alienate is too contemptible in itself to afford grounds for contention on the part of the Roman Catholics, what they covet is the precedent of confiscation, and not the mere acquisition of a sum which

"Not enriches them, but makes us poor indeed."

But that precedent being once conceded, the sacredness of property being once invaded, and the first process of the sacrilegious appropriation achieved, can we for a moment imagine that they will be content to let it remain as a question of principle, and they will not speedily convert it into a matter of gain to themselves, and of ruin to the Establishment? The anxiety which the noble Lord (Morpeth) has evinced to manufacture a surplus, on which to make the first essay of this important precedent, amply attests that the party are not disposed to allow the Resolution of 1835 to remain a dead letter. It being once resolved that Parliament might deal with a surplus, it became instantly indispensable, by some means or other, fair or foul, to discover a surplus for their operations—

"Rem facias, si possis recte—si non, quocunque modo rem." Even 50,000*l.* was not considered too trifling a sum for the first experiment, and, paltry as it is, see with how much toil even this miserable amount has been achieved. By the Bill of last year it was to be procured by hewing off 850 parishes; by the present measure it is to be collected by paring down the entire number. Having failed with the hatchet, the noble Lord betakes himself to the plane, and the shavings of this Session are to equal in amount the loppings of the last. And even supposing the first statement effected, is it in the nature of things to suppose that it can possibly afford satisfaction or ensure contentment, or that further demands will not be made with equal appetite and insisted on with equal energy? If the Government are not prepared to accede to this—if they are resolved to concede only the first demand, and to resist every subsequent attack upon the Church—the result of their present proposition, even if successfully carried into effect, will be ruin to the one party, the exasperation of the other, and a perpetuation of that discontent and agitation which they profess it to be their first object to allay. As a political measure, this clause, therefore, is pregnant with mischief and danger, and having served its purpose as a political engine, it has not only ceased to be an assistant, but has actually become an incumbrance to its promoters. Like the horse in the fable, they sought the aid of an ally, but have effectually saddled themselves with a rider. There was but one other point connected with the question on which he (Mr. E. Tennent) was desirous of offering an observation, and that was, the power of Parliament to interfere in the manner which was here contemplated with the property of the Church. He did not mean the absolute and irresponsible power which Parliament possessed to effect this or any other object, but the right and equity of such a proceeding as was threatened. He did not mean to enter upon the general question of such a power, but simply to allude to one of the most prominent arguments which had been used in favour of it by the supporters of this Bill, and which he conceived, though constantly adduced, by no means afforded a case in point,—he referred to the argument drawn from the confiscation of ecclesiastical property at the period of the Reformation, and its appropriation to the uses of the Protestant Church. Parliament, we are reminded, gave its sanction in the reign of Henry 8th to the transfer of Church property from the monasteries and clergy of the Roman Catholics to Protestant establishments, and consequently, they argue, it possesses an equal power to reconvey it from the Protestants to the Roman Catholics, or to any other parties, at the present day. The assertion was made in a total forgetfulness of the relative positions of the Parliament and the Church at the period of the Reformation and at the present time. The Roman Catholic Church then claimed to hold its property altogether as an independent and irresponsible Corporation, confessing its allegiance to Rome alone, and acknowledging no authority or right of interference in the Crown or the Parliament. Even the power of their own taxation was then, and till a period long subsequent, solely in the hands of the Convocation of the clergy. One great constitutional effect of the Reformation was the destruction of this *imperium in imperio*, and the transfer of its property to the Protestant Church and other lay subjects of the realm, who acknowledged the Crown as their head, and received their endowments under the guardianship and protection of the Legislature. Parliament, in fact, neither claimed nor exercised over church property any species of authority till it had been transferred from the monasteries to those who acknowledged themselves subjects of the Crown; and the effects of the change were amply attested in the reign of Queen Mary, who, having restored the Roman Catholic religion, applied for the sanction of Parliament to restore to it its property likewise; which Parliament, although chiefly composed of Roman Catholics, themselves resolutely refused, on the ground that having, by its confiscation from the Church of Rome, become vested in their trust for the subjects of the Crown, they could not, without a violation of all faith, permit it to be alienated. The conduct of the Parliament in the reign of Queen Mary, therefore, rather than in that of Henry 8th, affords the precedent by which this House ought to be guided; its transfer to the Church of England by the latter was an act of power without involving a breach of trust; but its reconveyance now would be a violation of the faith of the Legislature and the honour of the Crown. He (Mr.

E. Tennent) knew how futile it was to rely upon any reasoning of this kind as arguments to alter the foregone conclusions of the majority of that House; he knew how vain it was to hope that any thing but popular influence would affect the decision on which they were about to come on this question. Among the many evils which agitation had inflicted upon this country, it was not the least or the most alarming, that it had gone far to destroy the deliberative functions of that assembly, and that questions which formerly exercised the judgment of the Legislature were now settled at the chapels and the hustings, whence representatives were delegated to record their decisions in Parliament. He (Mr. E. Tennent) had little expectation that any observations of his could have weight with Gentlemen who were about to vote under such influences, but he still cherished a hope that his Majesty's Ministers, who of all others must most sensibly feel the inconveniences arising from this appropriation principle, might still be induced to withdraw it from the Bill, and thus remove the only obstruction to the satisfactory, and he trusted the final, adjustment of this important question.

Mr. *Morgan John O'Connell* said, it was his intention only to notice some few of the remarks that had fallen from the hon. Member who had just addressed the House. That hon. Member had told them of what were the opinions entertained upon the Church question by the sober and reflecting people of the north of Ireland. He did not know precisely what the feelings of the people in that part of Ireland were at this moment; but he recollected this—that opinions equally bold, equally strong, equally violent, were, if not entertained, at least expressed, some few years ago amongst the people of the north of Ireland, with respect to the House of Lords. At that time, when the Lords were spoken of as hereditary legislators, they were also sneered at as

> "The tenth transmitters of a foolish face."

He begged to state to the House, that such, at least, was the language used towards them by the hon. Member opposite. Now with respect to the question before the House, the hon. Gentleman, as he understood him, complained upon this, as he did upon the former Bill, that it tended to reduce the ministers of the Established Church. Before he discussed that point, he could not but remark on the singular felicity of choice that hon. Members opposite made when they were resolved upon opposing measures beneficial to Ireland. When Ireland was to be refused Corporations, an ex-secretary for Ireland was the organ of the Opposition; now, when a settlement of the Church question was to be refused, an ex-secretary for Foreign Affairs was the selected representative of the Opposition; those who were the advocates of the Miguelites in Portugal, and the Carlists in Spain, now came forward to oppose Popery in Ireland. Now, with respect to the point urged by the noble Lord, and echoed by the hon. Gentleman, he did certainly expect, when such a point was referred, more accuracy of detail from hon. Members opposite. There were to be 1,250 benefices under this Act. Now they were not to infer from this, that there would be only 1,250 clergymen. On the contrary, it was to be supposed that there would be not only rectors but curates. It was to be recollected, too, the numbers of those belonging to different sects, who were not Catholic Dissenters, Wesleyan Methodists, and others, never reckoned themselves as Members of the Established Church. But then it was complained, that what was provided under this Act was not sufficient for the maintenance of an adequate number of clergymen in proportion to the members of the Established Church, while the fact was overlooked of the numbers belonging to the Roman Catholic Church, and for whom the spiritual duties were performed by those priests who were supported solely by voluntary contributions. There were 6,400,000 Roman Catholics in Ireland. Did the noble Lord know how many clergymen attended to their spiritual wants? In the report of the Commissioners of education there was a return for each county of the number of the Catholic clergy. There were 995 parish priests and 1,175 curates, the total being 2,170 working clergymen. These 2,170 discharged the religious duties for that vast population, being a proportion of 3,000 persons to each clergyman. Now if it were said that the Protestants were scattered, recollect that the Roman Catholic were more scattered. The Protestants were to be found generally near towns, and living in the neighbourhood of the gentry, or residing close to a church. The Roman Catholics lived in the bogs and mountain glens in Ireland. Wherever they were, there Roman Catholic clergy were to be found in the exercise of their laborious duties, and attending the spiritual wants of their flocks. He knew of a single parish himself, in which there were 330,000 Roman Catholics, and but a single clergyman to attend to them. Nominally eight parishes were combined together—a single clergyman had to attend this scattered flock—he had to attend two chapels every sunday, and where the assistance of a curate would be of the greatest use, where it was most desirable, one could not be procured, for the parish was so poor, that it had not the means of supporting one. He did not wish, however, to rest upon isolated cases. This he trusted he might be permitted to say, that the Roman Catholic clergymen, however onerous, however arduous, were the duties imposed upon them, were indefatigable in discharging them. Hon. Gentlemen opposite might deem them erroneous in their opinions, might call them papists, idolaters, or designate them by any other terms, that in the exuberance of their charity they chose to bestow upon them, but they could not deny that the Catholic clergy, in the laborious duties they had to perform, were constant, untiring and persevering. Individuals discharged those duties which it was said would be a hardship upon the Members of the established Church to perform. They saw the Catholic clergy, supported alone by voluntary contributions, undergo those hardships and labours. They saw some of them travel seven or eight miles, exposed to the most inclement season, upon bad roads to visit a miserable people in their wretched hovels. They saw the Catholic clergy, wherever their aid was required, always ready to yield it, whatever was the danger or the peril to be encountered. Now, however hon. Gentlemen opposite might object to the influence of the Catholic clergy over the minds and hearts of their flocks—however they might condemn the exercise of that influence, yet hon. Gentlemen could not deny, that it was an influence to which they were fairly and justly entitled. They saw another Church, at present existing in Ireland, with a number of Ministers very nearly equal to the Ministers of the Roman Catholic Church. There was not a difference of 200, between the Ministers of the 800,000 and the 6,000,000. The people, then, cried out against the appropriation of a fund from which they received no benefit, and yet to which they were obliged to contribute. What was the answer made to them? That they should contribute, and that not the least portion should be applied to their wants in any way. Could they wonder that heartburnings and outrages were the consequence? The noble Lord alluded to the property in that country. He told them that there was no injustice done by acting upon his principles, for while four-sixths of the people were Catholics, nineteen-twentieths of the property belonged to the Protestants. He could not tell what was the noble Lord's authority for stating, that nineteen-twentieths of the property of Ireland belonged to the Members of the established Church. He did not know that any returns were made upon this subject, except by the late Conservative society, and he must say that he did not consider them a very impartial source of information. Tithes were not charged upon the fee of the land. He would ask the noble Lord in how many instances it occurred, that the fee, or nominal rent, belonged to absentees, while the actual rent was the property of Roman Catholics. The attempt on this subject to prove that landed property in Ireland belonged to Protestants, reminded him forcibly of an expression which he had seen in the newspapers, and applied with singular felicity to this point, that it "was not the cure of souls that was alluded to, but the cure of acres." Hence it was said, no matter how small the number of the population belonging to the established Church, that it was with reference to the quantity of acres in the hands of Protestants, that they were to look to the maintenance of the Protestant establishment. They had at length undertaken to remedy to a small extent the existing state of things. This Bill did not, as it was said, do any thing towards the destruction of the established Church. Members on his side of the House, had been accused of wishing for that destruction; but be that as it might, and whatever opinions individuals might entertain, yet they were bound to look at the Bill before them, with reference to itself alone. The Bill did not propose the destruction of the established Church, nor the substitution of that of the Roman Catholics—no such consequence was to be drawn from it. The Bill only proposed the reduction of a surplus, which was a disgrace to the Church. He had heard the imputation cast upon Roman Catholics, that they were anxious for the establishment of the Roman Catholic religion. For his own part, he spoke only his own opinion—he, as a Roman Catholic said this—God forbid that he should ever see the day, in that country, or in this, in which his religion should be connected with the state. He thought that its clergy would continue more respected, and its doctrines remain purer, while disconnected from the state, than united with it. He did not know that such a connection could serve religion—he believed it injured the state. The proposition then before the House was to reduce something from the superfluities of the Church. The extent of the reduction was objected to by the noble Lord the Member for North Lancashire, when opposing the second reading. The noble Lord upon that occasion argued, as he always did, ably, he could not add justly. A few nights since, the hon. Member for Tipperary had complimented the noble Lord upon his consistency, but assured him that he ought never to have advocated reform. He wished to make another exception—in his opinion the noble Lord ought never to have been a supporter of the Church Temporalities Act. When the noble Lord supported that Act, he had not the honour of having a seat in that House, but he heard the noble Lord on that occasion speak with more than his usual success. The noble Lord then argued for the reduction of the number of the bishops, on the ground of the paucity of the clergy to be attended to. Now he did not see why there was not a greater relation between pastors and their flocks, than between bishops and their clergymen. Perhaps the noble Lord did not see the relation; but he considered it affected the principle. If they reduced the number of bishops because they had not clergy to attend to, why must not they also reduce the number of clergy if they had not flocks to attend to? He hoped the House would again sanction the principle as it had done before. Those, he thought, who were sincere friends to the church, would act as its best friends by reducing those excrescences which were an injury to it. If there came a cry for the church, it would be found in a far better condition by removing those excrescences, than by maintaining it with all its enormities—they could, in such circumstances say, that the Church being reduced to a reasonable and rational scale upon that we take our stand.

Sir *Frederick Trench* had listened with great attention to the speech of the hon. Gentleman who had just sat down. He had listened to his observations indeed, with the more attention, because they were free from those menaces and that very objectionable tone of language which had become so common in debates in that House. The hon. Gentleman who had just sat down, had made his statements very candidly and fairly; but at the same time it brought conviction to his mind, that that hon. Gentleman looked forward to the property of the Protestant Church reverting to that of the Roman Catholic, though he did not wish it to be applied to the purposes of the State. He thought that the hon. Gentleman conceived that the property of the Protestant Establishment should be converted to the interests of the majority; and he looked with dread to the practical application of any such principle. The hon. and learned Member for Kilkenny, indeed, had taught the people of Ireland to keep within the line of the law;—but when the Government officers came forward they set the law at defiance. The language of the Attorney-General tended to nothing but the destruction of the Protestant Church—though education was the pretence which was set up for the adoption of this measure. Now, no man was more anxious than he was to see education spread over Ireland, because he looked to obtain, by its agency, the extinction of the Roman Catholic religion in Ireland. ["Oh!"] Yes; he believed that education would open the eyes of the people of Ireland to intelligence. Then would the unbounded power of the priests over their minds cease; and under this conviction he was a friend to the diffusion of education. But under no pretence, and by no propositions which might be made, would he, for one, ever consent to allow one farthing to be taken from the Established Church. He had seen, indeed, the noble Lord, the Chief Secretary for Ireland, gradually relaxing to the influence, not from without, but from within. In his (Sir Frederick Trench's) conscience he believed, that the love of power and place had led him and his Colleagues to listen to suggestions made to them of which they in their hearts disapproved. He believed them to be mere creatures in the hands of the hon. and learned Member for Kilkenny — that powerful and mighty giant. They had heard of the giant Briareus with his hundred hands, and if he could not follow up the simile, still if he gave a pair of hands to each Member immediately under his control, the amount of hands of the hon. and learned Member for Kilkenny would be nearly the same as those of Briareus, and that with these powerful hands, he might strangle and extinguish his Majesty's present Government. What had been the language of the Attorney-General at the end of a seven days' debate—was it not almost telling the Irish people that they might assassinate those who opposed them?

Doctor *Baldwin*: Oh! oh!

Sir *F. Trench* begged to tell the hon. Gentleman that he had referred to the Reports to which the House were in the habit of appealing, and from those Reports he would read. The hon. and learned Attorney-General began his speech by asking—"what benefit would be conferred on the Christian community by erecting churches which were a grievance to one set of believers, and an insult to another?" This was the preface to the speech to which he referred. "He had visited that beautiful and hospitable country a year and a half ago; and, knowing the inflammable temperament of the Irish people, he had observed that the celebrated Marquis of Argyle had hated all Popery and superstition, and that such was the feeling in Scotland at the assassination of Archbishop Sharpe, that that assassination was, he believed, approved of by the majority of the people." This surely, was a broad hint to a people who were known to be of an inflammable nature, and upon whose minds had been strongly inculcated by the hon. and learned Member for Kilkenny, the words:—

> "——————Hereditary bondsmen know,
> Who would be free, themselves must strike the blow."

Then, after having said that the murder of Archbishop Sharpe was approved of by the majority of the people, the learned Attorney-General had said, "There was nothing to compare, in Ireland, to this assassination; yet it was a common observation in Scotland that the killing of Archbishop Sharpe was no murder." The hon. and learned Member for Kilkenny, he supposed, expressed his approbation of these remarks, but he (Sir F. Trench) confessed he did not; nor did he think that any man, knowing the nature of the Irish people, would admire the proceeding on the part of the Attorney-General. He thought that if the people of England did not express a very strong feeling, the Irish Church would be speedily extinguished, and that, almost as speedily, the destruction of the English Church must follow; and he thought that those who supported this spoliation and appropriation of the funds would not have done so if they were not constrained. He had heard it said that no bargain had yet been made. Lord Melbourne had said elsewhere that he had never made any bargain, and he believed that a more honourable man than Lord Melbourne did not breathe; but he would ask any hon. Gentleman whether he could entertain any other opinion than that, whether Lord Melbourne was cognizant of such a bargain or not—whether such bargain was or was not made, still the destruction of the Church in Ireland was intended? He had known Lord Melbourne all his life, and had an affectionate regard for him. It grieved him to see him play the part of a special pleader, or a casuist; he did not believe him to be either; but there could be no doubt what was the power which kept his Majesty's Government in place.

Doctor *Baldwin* said, that the hon. and gallant Member who had just sat down had not edified the House with the soundness of his argument, or the comprehensiveness of his views. He begged to say that he disdained the charge which the hon. and gallant Member had imputed to those who sat on that side of the House; he denied the imputation intended to be conveyed. He sat in this House as an independent Member, and as a friend and supporter of his Majesty's Ministers—not because he was led by the hon. and learned Member for Kilkenny—not because he was bound to follow his doctrines, but because he, with others, had selected that hon. and learned Gentleman most freely as being the most capable to lead them. He sat in that House, not because he paid submission or obedience to the hon. and learned Member for Kilkenny's dictation, not because that hon. Member had an influence over the people of Ireland, which, indeed, he certainly had, and deserved to have. He could not agree that his Church should be connected with the State; at the same time he respected those who were members of the Established Church; many of the clergy of that Church he was acquainted with, and knew them to be most respectable men; but he could not see why those who dissented from that Church should pay to their support. The best mode of building up and fortifying the Church of Ireland was to correct its abuses. The number, indeed, of Protestants in Ireland were becoming, he believed, every day less. Tithes were taxed in England for the benefit of the poor, and a similar principle ought to pervade Ireland. The people of Ireland had no objection to the existence of the Church in that country—they had no objection to the Protestants, as Protestants—but they had objection to be burdened with an onerous and cruel establishment, for the support of a Church which they had not sought to have, but which had been imposed on them by Act of Parliament. If they did not render justice to Ireland by an Act of the Legislature, the people of that country were determined to right themselves by force. If the House adopted the measures of his Majesty's Ministers, they would amalgamate the people of Ireland with the people of England, and make the two countries one; but if they kept up the present system of division and exclusive interest, they never would bring the people of Ireland to believe that their country was a part of the British Empire. He implored them to recollect that dangers might in future assail them, though they were now at peace, and how desirable it was to secure the great force which Ireland might bring in the field to the assistance of the Empire. He trusted, therefore, that if they valued the peace and tranquillity of the country they would assent to the measure before them.

Mr. *Hardy* thought that, after the speech of the hon. Member, little dependence could be placed on the professions of the Catholics. At one time they heard that, if concession were made, no more would be heard of any attempt to subvert the Protestant Church. Well, then, concession having been made, and amply made, they next heard that if further concession, such as would suit the insatiable appetite of innovators, were not made they would extort their claims by force. The hon. Member opposite said he would not rob any individual of the Church, but yet he was doing so in the lump, for he was robbing the whole Church. His condescension was as much to be admired as the frank declaration of the hon. Member for Cork, that the Church, and of course its members, was alien to the feelings and habits of the Catholics, whom he pronounced exclusively the people, and should be swept away. The hon. Member was certainly a most useful, if not convenient, advocate to the Irish Catholics, whose boasted aim, as expressed through their organs, was the extirpation of Protestantism in that country. He would maintain that tithes were property that exclusively belonged to the Church and could not be alienated without an infringement of the fundamental principles of our Constitution as now established. This he would maintain, though he heard speeches in that House, and had read letters written out of it, maintaining that the grievance of tithes was the more, inasmuch as tithes once belonged to Catholics, and ought to belong to them again. He denied that the tithes belonged to the sect now called Catholic, for all the errors of the Catholic Church crept into it since the institution of tithes. It was since the time of Gregory, who first sent Augustine into England, when tithes were first introduced, that the abominations and superstitions of Popery, such as worship of images, transubstantiation, confession, which they, the rational Christians, protested against, were introduced. Look to the progress of the present question, and judge of the degree of confidence that ought to be reposed in the veracity, the principle, and consistency of these men. In the year 1834, when the proposition for commutation of tithes was introduced to the House, the present Ministers opposed the appropriation clause, as utterly unconnected with the real question; but now it appeared that appropriation was essential to an adjustment of tithes. He could not presume to judge of the means by which such a change was worked in the sentiments of the Ministry, whether it rose from the persuasion or intimidation of the Member for Kilkenny. At all events Ministers were induced or compelled shamefully to desert their former principles. He was released from defending by any arguments the wisdom and expediency of maintaining an Established Church by the declaration of the noble Lord opposite (Lord Morpeth) a few nights ago, when he said that an Established Church was useful, and he would support one. He was glad of that declaration. But it was in no way to support an Establishment to give subsistence to parsons who had only a certain number of parishioners. The object and utility of an Establishment was to provide moral and religious instruction for the people. Could this be done if the sphere of a Clergyman's usefulness were to be circumscribed within the precincts of a single parish, and his duties dependant on the chance of having a certain number of parishioners? It was the duty of the clergy to see that no other but the best doctrines should be taught to the people, and it was also the duty of the State, when endowing a body of clergy, to see that no other but the best religious system be sanctioned—justice to Ireland, the clap-trap used by the opposite side to delude the people, meant strictly—and to this sort of justice he would fully subscribe, to inculcate in that country those sound and moral lessons which would not only serve their temporal but their future interests—as would give them the same freedom of thought in matters of religion and action as the people of England and Scotland now enjoyed, a freedom that raised them to their present unexampled pitch of prosperity and greatness. There might have been abuses in the Church. But if the Church failed, then reform it, but do not destroy it. Place a teacher in every parish, and give him a competence to enable him to render himself useful. They ought to circulate copies of the Scriptures among the people of Ireland, and then they would confer upon them the greatest blessing which they could accomplish for them. The House might rely upon it, that this Bill would not have the effect which was its professed end and aim. If persons conscientiously objected to tithe as tithe, because that was the fund which supported the Irish Church, they would also conscientiously object to a rent-charge as a rent-charge. He had been curious enough to look over the Report of the Commissioners of Public Instruction in Ireland, and he found that out of 1,440 benefices in Ireland there were no less than 855 in which the congregations were increasing, 495 in which the congregations were stationary, and only 91 where they were diminishing, and the cause of these diminutions was attributable to the neighbourhood of other churches and chapels, which had drawn their members away. He maintained, then, that the present was not the time to take any thing from the revenues of the Church on the ground of her diminution in numbers.

Viscount *Morpeth* said, that the principle of this clause was one which had been so frequently and thoroughly discussed, and, in making the proposition which he felt it his duty to bring forward, he had entered at so great a length into the arguments and bearings of the question that he should not trespass very long upon the attention of the Committee. He was the more willing to use this abstinence, from his impression, in stating which he might he put down by assertion, but he did not think he could be by argument, that every fresh consideration of this question had led the House and the public to a better knowledge and appreciation of the truth of the principle on which he and hon. Gentlemen on his side of the House professed to ground their course, and also of the correctness of the details and calculations on which they had endeavoured to carry out the course they had adopted. He should endeavour to limit the few observations he had now to address to the Committee to matters more immediately connected with the present position of the question. His Majesty's Government had not expected, on the present occasion, to escape the reiteration of imputations which, in spite of contradiction, in spite of confutation, had been so often cast upon them. The hon. Member for Scarborough had attacked his right hon. Friend the Attorney-General for Ireland. Now, his memory went far enough back to recollect an attack which the hon. Gentleman had made on his noble Friend, the present Lord Chancellor of Ireland, when he (Lord Plunket) filled the office of Attorney-General. And, from what he could call to mind of that event, he was certainly induced to think that attacks on Attorney-Generals were not amongst the most fortunate of the hon. Gentleman's reminiscences. The hon. Member for Kent had also addressed the Committee; and though the general terms of his speech were soft as snow-falls, yet they were not, he must say, altogether unmixed with some hard sayings against his Majesty's Ministers, containing the charge that the Protestant religion was not sufficiently appreciated by them. Now, he was willing to give the hon. Gentleman credit for an anxious desire to promote the Protestant religion; but when the hon. Gentleman persisted in saying that we did not in our hearts and consciences appreciate the value of the Protestant religion, which we professed, he must tell him that he was endeavouring to fathom motives which he could not reach, and departing from that spirit of candour which he no doubt wished to couple with the other virtues that adorned his character. With respect to the argument of the hon. and learned Gentleman who spoke last, he did not wish to grapple with that, because it did appear to him to carry on the face of it so arbitrary an assumption, that every thing which happened to be out of the pale of his own opinions and religion, must necessarily be immersed in flagrant error. For his part, he could only say, that he would not assert that salvation was not to be found within the Church of Scotland or the Roman Catholic Church. Now, for the sake of sustaining the correctness of the calculations which he had made on a former occasion, he felt bound to offer some few remarks on this part of the question to the Committee. The right hon. Baronet opposite, the Member for Tamworth, had, upon a former occasion, taken some of the items from our own computations in summing up the amount which would be necessary for the future maintenance of the clergy, according to the provisions of our Bill. He should be ready to go through the separate items, to point out the difference between the statement of the right hon. Baronet, and the calculations themselves, and he should not shrink from any inquiry as to the comparative correctness of the two statements; but he owned he thought this less worth while, because the right hon. Baronet had himself admitted that, according to the scale which we proposed, there would be an eventual surplus, for the gist of his argument consisted in this, that that surplus could only be made out by the sale of the Church lands. Now whilst he was ready to resist any attack on the principle on which the Church Establishment was founded, still he confessed he felt comparatively callous to those objections to be urged against the appropriation clause, which were merely founded on the large amount still retained for the provision of the Established Church in Ireland. The right hon. Baronet had pointed out some inaccuracy in that part of his statement which bore upon the question, on the number of members, and the extent of country attached to each pastoral cure in the churches of the three countries. Now it would be in the recollection of the House, that he had spoke subsequent to the time at which his noble Friend, the Member for North Lancashire, had made his motion; and if he allowed himself to be guided by his noble Friend's calculations, he did so because he thought his noble Friend had too much of the skill, as well as the zeal of the advocate, to weaken his cause by any incorrect statements in support of it. However, a mistake was undoubtedly made, and he was now most happy to give the Committee a correct statement. The noble Lord then read a statement, the substance of which, it appeared, was to this effect:—In England and Wales the number of benefices were 10,718, the average income 285*l.* for each, the population 1,014, and the number of acres 3,460. In Scotland the number of benefices was 900, the income for each 240*l.*, the population 2,000, the number of acres 2,148, and the square miles 23½. In Ireland the number of benefices belonging to the Established Church were 1,250, the average income 294*l.*, the population 681, and the number of square miles twenty-five. He considered it necessary to have said thus much with respect to the statement which the right hon. Baronet had made. The hon. and learned Member for Bandon (Mr. Sergeant Jackson) was pleased, in a speech which he made to the House on a former night, not only to throw a degree of general discredit over the Report of the Commissioners of Public Instruction, but also to bring forward specific statements in support of his allegations. He (Lord Morpeth) had upon that occasion no opportunity of replying to the learned Sergeant, and if he had he must, necessarily ignorant as he was of the particular circumstances connected with this part of the subject, have done no more than express his entire disbelief in the accuracy or justice of the statements which had been then made. Since that, he had been overwhelmed, or he might rather say flooded, with remonstrances from the parties whom the assertions of the hon. and learned Sergeant had affected; from Mr. Sergeant D'Oyley, Mr. Barrington, and Mr. Hamilton, and other gentlemen stated in the Commission, who expressed their opinions with an energy and warmth which he was anxious to dilute, and which made him desirous of believing that the hon. and learned Gentleman was a dupe, and not the originator as to those statements which he had made. These gentlemen requested, they required of him, in justice to their characters as gentlemen, and to their trustworthiness as men employed in the discharge of a public duty, to submit that explanation to the House, which he would do as briefly as he could, consistently with what was due both to the House itself and to them. The particular cases which the hon. and learned Gentlemen referred to, were four in number; the first, and that which alone he was bound in justice to say the hon. and learned Gentleman had a leg to stand upon, was with respect to the Kildare-street schools. The other three were with reference to the population returns, giving the numbers belonging to the Established Church in each of the benefices. The first of these statements to which he would call the attention of the Committee, was from the gentleman who acted as secretary.

"Dublin, June 11, 1836.

"He first asserts that the Commissioners only report the number of schools 'under the Kildare-place Society' to be 235, whilst he states the true number to be 1,050. Now, it is worthy of observation, in reference to these schools, that on the 4th day of October, 1834, the Commissioners of Public Instruction, applied by letter to the Kildare-place Society for a return of the schools in connexion with it. The application was refused, but a series of annual reports were sent, ending, however, with that for 1831. These reports merely contained the list of the schools, of which the masters had received 'gratuities, as appearing to be deserving of encouragement.' A list like this could have been of little value as a guide to the Commissioners at any time, but it was of no value at all after a lapse of three years, during which period, as is now stated, the changes had been so extensive, that the number of schools was reduced from near 1,700 to 1,050. Thus the society declined giving any assistance towards identifying their schools, as other like institutions did.

"In the next place the Report does not profess to state the different establishments 'under' which the schools may be for any other purpose than that of pecuniary support. The inquiry was a financial one. The heading of the Report, therefore, is "Sources of Support" of each school; and after referring, in about twenty instances, from the schools returned in the Report of the Society for 1831, to the Reports of the Commissioners for the dioceses of Down, Connor, and Dromore, I find that every school has been reported upon, with the statement that its 'source of support' its 'payments by the children,' '10l. a-year from Lord A.,' and the like. It may be very true that the Kildare-place Society give gratuitous rewards to the masters or grant-books for the children in every one of these cases, and thus entitle itself to number these schools among its dependents; but the society did not thereby become a 'source of support' in the sense in which that expression was understood by most of the visiting Commissioners, particularly the two who visited the above dioceses. In every case where it was shown that the schools derive pecuniary support from the Kildare-place Society, it has been so stated.

"There is, however, an obvious error in the General Report at page 15, where it professes to sum up the schools in connexion with the Kildare-place Society. This should have been explained as meaning a connexion in the way of support. That such must be its true meaning is evident, inasmuch as the heads of the summaries cannot differ in kind from those of the Reports. The latter give merely the source of pecuniary support. How then could the former sum up both these and all other sources of reward, nominal connexion, &c.?

"Mr. Sergeant Jackson next alleges error in the Population Returns; and to prove this, asserts that the number of members of the Established Church, in the parish of Dromore, was returned by the enumerator as fifty-six, whilst the Commissioners have only reported forty-nine, insinuating that the motive was to reduce the number below fifty. Now, perhaps, the incumbent may have had the opposite motive; for it was proved by evidence, with which, as the visiting Commissioner informs me, the incumbent, after some time expressed himself satisfied, that he had included in his census of the parish a family not belonging to it. It appeared that these seven persons properly belonged to the adjoining parish of Killenane, and were assigned to it by the Commissioner.

"The enumerators had taken a wrong common boundary in 1831. The Commissioner merely adjusted the conflicting claims of the two neighbouring incumbents.

"Mr. Jackson next asserts, that he had seen the census made by the 'excellent clergyman' of the parish of Desertsarges, near Bandon, and that the members reported were fifty under the actual number of Protestants of the Established Church. Now it so happens that the number in the Report—namely, 432, is precisely the same as that given in the original census made and delivered to the Commissioner by the very same clergyman. The Commissioner took the number from the census; so that if what Mr. Sergeant Jackson states be correct, this 'excellent clergyman' has shown him a census differing from that which he had lately sworn to contain a true census of the population."

"The Right Honourable, the Viscount Morpeth, &c., &c."

The next was from Mr. Acheson Lyle.

"Gardiner's-place, June 11.

"My Lord—In the Report of the debate upon the Irish Church Bill, Mr. Sergeant Jackson is reported to have said—'That Mr. Hudson of Springfarm, in the county of Wicklow, had been requested by the Roman Catholic clergyman of the parish in which he resided, to make a return of all the Protestants and Catholics employed by him, and he gave a return of fifty-six Protestants in his house and employment, and ten Roman Catholics.

He received a letter from the Roman Catholic clergyman thanking him for the return, but when the Commissioner appeared in the month of December, a list was handed to him by the Roman Catholic clergyman of only thirteen out of the fifty-six Protestants. He asked again was it fair, was it safe, to act upon such a return?'

"As I was the Commissioner who visited the parish respecting which the above observations were made, I think it right to give your Lordship a correct statement of the facts, that you may be able (as I think you will) to correct the misrepresentation.

"Your Lordship is aware that both the census of 1831 and our enumeration was founded upon the number of inmates in every dwelling-house within the parish, those persons only being reckoned in each family who slept in the house at the time the enumerator visited it. A return, therefore, of the number of persons, Protestants and Roman Catholics, who were in the *house and employment* of any person, could not have been adopted by the Commissioners, or used for any purpose. Those who did not reside in the house of the person making it, must be enumerated in their own dwelling-houses. Whether any such return was made by Mr. Hudson to Mr. Stennett, the parish priest of Delsany, I know not; but if it were, it is plain that it could have been of no manner of use.

"My report of the number of Protestants in Mr. Hudson's family was made from an original census of the Protestants made by the rev. Thomas Grey, the Protestant curate of the parish of Delsaney, verified by *him upon oath*, in which the number of Mr. Hudson's family is stated to be thirteen.

"The list made out under the directions of Mr. Stennett, the Roman Catholic clergyman, gives precisely the same number, as does the census made by the enumerator of the parish employed by the Commissioners, and both contain the names of many Protestant labourers in the parish who may have been in the employment of Mr. Hudson. It is a gross misrepresentation, however, to say that because they are not returned with Mr. Hudson's family, that therefore they have been subtracted from the Protestant population of the parish, and that our Reports are not to be depended upon.

"I inclose the original census made by Mr. Grey, and the list handed me by the Roman Catholic priest, which was made of each townland separately, in both of which you will see Mr. Hudson's family returned as consisting of thirteen persons, all Protestants.

"I understand that Mr. Hamilton writes you respecting the other misrepresentations in Mr. Jackson's speech, and I only therefore trouble your Lordship with the above, as it personally concerns me. I have the honour to be,

"My Lord, your obedient servant,

"ACHESON LYLE.

"The Lord Viscount Morpeth, &c."

These documents proved the accuracy of the returns in every fact and particular attested in the Report. He thought, then, that the hon. and learned Gentleman would have done well to bestow a little more labour and attention on this subject, in order to ascertain the trustworthiness of statements, before he impugned the character of men equal to himself in station, and in no other respect his inferiors. He hoped at all events, that that House would learn to be circumspect in placing implicit reliance on general assertions and insinuations, however dignified or decorous were the channels from which they might happen to proceed. Now let the two propositions for the adjustment of this question be compared. The lowest amount of annual income, according to this Bill, could not be less than 100*l.* exclusive of glebe. Now, suppose they were to stop with the measure where it was proposed by the noble Lord the Member for North Lancashire, and they were to leave out all the appropriating and re-distributing clauses, it should be borne in mind by the Committee, that it had been already decided that thirty per cent. should be deducted from the present amount of tithe-composition as the means of supplying the future rent-charge. Now, the number of the livings to which he had just alluded, and in which the income was limited to 100*l.* per annum, exclusive of glebe, would, under their Bill, be 120*l.* But let the Bill be taken divested of the appropriation clauses, and the income of this class of livings would then not amount at most to more than 100*l.* a year without glebe (many of them falling far short of that sum), and the number of livings thus circumstanced would be 287. Thus it would be seen that those who had the most severe duty imposed on them would be worse provided for by the noble Lord's proposition than that of the Government. He had never pretended that this was a perfect measure; he had never pretended that if they were completely masters over the circumstances connected with the question, they might not have proposed a different adjustment of it: but what they contended for, and what he on their part persisted in contending for was, that in comparison with the existing state of things this measure went far to correct the glaring inequalities of the present system. He was prepared to maintain that this measure would have the effect of much more nearly apportioning ecclesiastical revenues and duties; and, in addition to this advantage, it had this sovereign and crowning recommendation, that in the present perverse and lamentable state exhibited by the Church in that country, the clergy of which might well be said to be composed of militants or litigants—of men who were either starving or enduring the worst privations, or who were drawing down upon their heads the curses of those who were supposed to be their flocks. I don't, said the noble Lord, say that this is a right state of things. I don't say that it is either proper or christian that it should so continue, but I only lament that such is the fact. Much better would it be in my opinion, if instead of sanctioning a system by which the clergy of the Established Church are either compelled to eat the bitter crust of want and dependance, or to spill the blood of those intrusted to their spiritual care, as well as to endeavour in vain to hush the cries of their families for bread, the Committee were to accede to the present Bill, unshorn and undivested of that principle, which perhaps for the last time may be now made available towards effecting an immediate settlement of this question, and supplying an assured provision to the existing clergy. Coupling then the other provisions of this measure with that which has, I am led to believe, the sanction of public opinion, without which no adjustment can be real or satisfactory, we hope and think that there is sufficient advantage resulting from it to the bulk of the people to induce them to give it their cordial acquiescence.

Mr. Sergeant *Jackson* said, that after the attack which had been levelled against him by the noble Lord who had just sat down, he hoped he should be permitted to maintain the statement he had formerly made to the House, and to show that the noble Lord was but little grounded in his doubts as to the accuracy of that statement. He had stated to the House nothing in reference to the Commissioners of Public Instruction he was not prepared with documentary evidence to sustain. He had not imputed, or even attempted to impute, improper motives to the gentlemen composing the body of Commissioners; but he certainly did undertake to prove (and he thought he had succeeded in proving) that the returns made by them were, to say the least, incorrect. With the permission of the House he would now proceed to make manifest the accuracy of this his assertion. The noble Lord opposite had thought fit to treat lightly on the subject of the returns bearing upon the schools in Ireland in connexion with, or receiving assistance from, the Kildare-place Society. Now, the returns of the Commissioners in these respects showed upon the very face of them the grossest and most unaccountable inaccuracies—inaccuracies such as must go a great way towards demolishing any faith or confidence which otherwise might rest upon other portions of the Report. Now, nothing could have been easier than to take an account of the schools actually in existence, with the number of children of all persuasions receiving instruction in those schools, instead of counting head by head the Protestant population of Ireland. But here it was the first inaccuracy arose. He had stated to the House, when he last addressed it on this subject, that with regard to the archdiocess of Armagh the Commissioners of Public Instruction had not returned a single school in connexion with the Kildare-place Society as belonging to or being situate in that see. The noble Lord had been pleased to have recourse to special pleading upon the contents of the Report in this respect, but if the noble Lord, the Secretary for Ireland, would look to the returns, he would find that for the three diocesses of Dromore, Down, and Connor, not a single school in connexion with the Kildare-place Society was returned, and the noble Lord's ingenuity would be put to the test to reconcile this omission when he stated the facts as they existed. For this omission he referred to page 4 of the summary of the Report, under the head of the province of Armagh, and there it would be found that credit was given only for 235 schools in connexion with, or receiving support from, the Kildare-place Society. Now he begged to state that in those diocesses the Kildare-place Society had more schools than the Commissioners gave them credit for in respect of the whole of Ireland. The number of schools in connexion with or receiving assistance from the Kildare-place Society in the diocesses of Down, Connor, and Dromore, nearly approached 300. The Kildare-place Society had on seeing the Report employed inspectors—gentlemen, who, without disparaging the Commissioners of Public Instruction, were quite their equals, were sent down to visit these schools, and they returned to the society the most ample particulars in relation to them, especially in the three dioceses which he had mentioned. These Gentlemen visited the schools, saw the masters, and inspected the correspondence, and he (Mr. Sergeant Jackson) could prove that in the districts to which he had alluded, not only 150 schools exist, but also that returns of those schools were actually furnished to the Commissioners. He held in his hand one return, a counterpart of which had been given to one of the Commissioners, viz. the hon. Mr. Strangwayes. To that Gentleman the inspectors of the Kildare-place Society applied on the subject of this return, a duplicate of which was sent to the Commissioners at head-quarters. Mr. Strangwayes was applied to for it; but that hon. Gentleman replied that he had not received it from the board of Commissioners, and then a counterpart was furnished to him. This counterpart contained a return of the number of schools in the parish of Bollymoney and elsewhere in these districts, in reference to which no returns had been made, and he found that there were eleven schools of which the document he held was silent, though it contained information as to the number of children attending those schools, classifying the Roman Catholic, the Presbyterian, and Protestant children, and all these were in close connexion with the Kildare-place Society. Nay, more, he had the means of proving that with regard to 159 schools in these very dioceses in which none were said to exist, returns were furnished to the Commissioners of Public Instruction. Now, if he were disposed to impute motives, this he thought would be the instance on which he ought to make the assault. Despite this information, the Commissioners had not returned a single Protestant school—despite this declaration they were silent. Look again at St. George's parish, in the county of the city of Dublin; the Commissioners had returned about four schools situate in these districts. The Commissioners of Education had, in the years 1824, 1825 and 1826, returned twenty-nine schools, while on the other hand, the Commissioners of Public Instruction had returned only four, while in the parish of St. George alone there were twelve schools still existing. Now what excuse could be offered for this negligence? What reliance could justly and properly be placed upon such parties. It was a curious fact to observe, with regard to these returns, that the Commissioners of Education Inquiry in Ireland in 1820 and 1825 returned 11,823 schools in Ireland, whilst the Commissioners of Public Instruction had informed the House that, in 1835 and 1836, the number of visitants amounted only to 9,567, being 2,256 fewer in number than the schools reported in 1824. He did not precisely understand the meaning of the cheers of the hon. and learned Member for Kilkenny. (Mr. Finn) because he could tell the hon. and learned Member that education, instead of retrograding in Ireland, had actually and positively advanced very considerably since the year 1824; for though the number of schools might have diminished, the number of scholars attending the still existing schools had increased, the numbers of scholars in 1824 being 568,964 and in 1836, 663,946. These facts he could prove on oath before a Committee or any other tribunal which the House might think fit to appoint. He was prepared also to prove that the Report of the Commissioners of Public Instruction, as far as it related to the Kildare-street Society, was given with the grossest inaccuracy. The first parish to which the noble Lord opposite had referred was the parish of Dromagh, in the county of Kerry. With respect to that parish the Knight of Kerry had stated to him, that although only forty-nine Protestants were returned, there were, in fact, fifty-six Protestants in that parish. Since then a letter had been written by the clergyman of the parish to the Knight of Kerry, to place in his hands, in order that he might state the fact to this House, that in that parish there were now, not forty-nine but sixty-three Protestants. With such information he had felt it no more than his duty to communicate it to the House. He asked whether, under existing circumstances, he was not justified in making use of that information. The noble Lord had next referred to the statement, he had, on a former occasion made with respect to the state and condition of the parish of Dysart, in the county of Cork. The noble Lord had attributed the information which he Mr. Sergeant Jackson had received on this head to the rev. Mr. Longfield.—Now, he had never referred to the rev. Mr. Longfield, the incumbent of the parish, who was very old gentleman, totally unable to perform all the duties of the parish. The statement he had made was, that a young gentleman, the hon. and rev. Mr. Bernard, had gratuitously undertaken the duties of the parish, and that, being so engaged, had shown him a book containing entries of the names of every Protestant individual in the parish—entries not made for the purpose of checking the returns of the Commissioners but for the purpose of enabling him to perform his duties as a Protestant clergyman. This book, compiled from actual visits paid to Protestant families in the parish, showed that the number of Protestants was fifty more than the number returned by the Commissioners, and the accuracy of those returns Mr. Bernard was prepared to prove on his oath at the bar of this House. The next case adverted to by the noble Lord was that of Mr. Richard Hudson, the clergyman of a parish in the county of Wicklow, a gentleman wholly incapable of falsifying any statement. That Gentleman had returned to the Roman Catholic priest the number of Protestants in his employ as being fifty-five persons, and though he had done so, the number in the Commissioners' return was set down the number only of the actual inmates of his House. He did not, nor had he ever meant to say, that these returns were false; but he had stated, and he now repeated the statement, that it was not safe, but, on the contrary, that it would be folly and madness, to act on these reports. With regard to the trifling mistake made by the noble Lord opposite, on a former occasion, in his calculations, as to thirteen instead of twenty-five miles being the circuit of each parish, as pointed out by the right hon. Baronet, the Member for Tamworth, he understood from the explanation of the noble Lord, that he now admitted the error into which in this respect he had fallen. In conclusion, he (Mr. Sergeant J.) must apologise to the House for having thus again trespassed upon their attention, but he felt thus much necessary in justification of himself, and in order to show that he was not without grounds for the statements he had made.

Mr. *Hewitt Bridgeman* said, that in the part of the county of Clare, where he resided, there were two school-houses in connexion with the Kildare-Street Society, but in neither of them was there a schoolmaster. One of them was occupied by the coachman, and the other by the gardener of the brother-in-law of the hon. and learned Gentleman.

Mr. Sergeant *Jackson* said, that they had both been occupied by schoolmasters, till, from the violent opposition of the priests, parents were deterred from sending their children to be instructed there. The manifest object of the priests was to stop all scriptural education.

Mr. *Finn* wished to know whether the two schools in question, which were now occupied by the coachman and the gardener of Captain Scott, the brother-in-law of the hon. and learned Gentleman, were returned in the calculations which the hon. and learned Gentleman had made out?

Mr. Sergeant *Jackson* said, they were not. No schools were in the returns which were not at this moment in active operation.

Mr. *Sheil:* The hon. and learned Gentleman has pronounced a funeral oration upon the Kildare Street Society. That body is, for all Parliamentary purposes, extinct. The right hon. Member for Tamworth withheld the grant to it, and it is somewhat singular that the learned Sergeant did not recollect, while he was inveighing against the new system of education, that the Members for North Lancashire and for Tamworth, with one of whom the new system originated, the other of whom continued, and even augmented the grant, were beside him. But let not our attention be diverted by any thing of so small account as the Kildare-Street Society, and the minutiæ of its merits, from the great question on which the destinies of Ireland depend, and which is before the House. I come to that question, and to the great principle on which it rests; for it has been agreed that the discussion upon its principle shall to-night be taken. Some persons are of opinion, that after the very significant intimation which has been given by that House, which is sometimes called the Upper, (and it must be owned that its tone corresponds with its designation.) it is useless to carry this Bill through its remaining stages in this Housse, and worse than useless to send it, for the purpose of abrupt repudiation, to the House of Lords. I do not concur in that view. I do not think that this Bill will suffer by the condemnation of those to whom every opportunity ought to be afforded of confirming the impression which they have taken so much pains to produce in their own regard.

If they will not do justice to Ireland, let us give them means enough to perform another act of justice, of which Ireland will not be the object. For my part, notwithstanding the temporary obstacles in the way of this measure, of its ultimate success I have no doubt. I believe, I feel, I know the truth to be on our side, and in the greatness of truth, and in its inevitable triumph, I enthusiastically confide. Mark the progress which this question has made within the last four years. In 1832 it was treated with a disregard amounting almost to disdain; and now we not only command a majority of this House, but I firmly believe that the majority of the English people are on our side. I repeat it. In this, the Peel Parliament, we have a majority of the representatives of the people, and by that test I abide. The people of England begin to feel that the Ecclesiastical Institutions of Ireland are not adapted to its condition—that its wealth is far more than commensurate with any service which it has rendered, or is capable of rendering—that it has not answered any one purpose for which an Establishment ought to exist—that while the money of the people circulates amidst the Church, the religion of the Church does not circulate amongst the people—that even with the aid of the Exchequer as a *propaganda*, it is not likely that Protestantism will be diffused, and that the interests of true religion are not likely to be advanced by the recurrence of such incidents as those which have attended the exaction of the ecclesiastical revenues; and when the people of England see Ireland distracted by the Church, every project for her improvement arrested by the Church; when they see that you are yourselves infested by our rabid animosities, and that Cabinet after Cabinet has been dissolved by this fatal question, the two Houses of Parliament are advancing to a collision, by whose shock the whole fabric of our legislative system may be shaken to the centre—when, I say, they see these things passing before their eyes, the people of England ask themselves this plain and pregnant question, "where are the advantages by which such results shall be countervailed?" Sir, I think it sufficient to peruse the preamble of this Bill, and to reflect upon the facts and inferences which that preamble contains, in order to be convinced that this question must be settled, and that the principle upon which the Bill is founded affords the only basis on which it can rest. I shall go with rapidity, I hope with perspicuity, through the preamble of the Bill. It commences with a reference to facts; and rightly—for it is as well that we should observe the shadows which events have cast behind. The preamble states that the Legislature has been repeatedly baffled in the collection of this fatal impost. This has held good for more than a hundred years. If the ponderous folios of the Irish Parliament were upon that Table, I should be able to prove that almost every Penal Act has some reference to tithe. "Laws," says Arthur Young, "which were fit only for the meridian of Barbary, were passed to repress excesses which oppression in the exaction of tithes had produced. "The Riot Act," says Grattan, "was a Tithe Act, and the White Boy Act was a Tithe Act." It is now upwards of seventy years since that great man raised his voice in the Irish Parliament, to exhibit those anomalies against which we are to this day protesting—a Catholic people, a Protestant Church—millions upon one side, thousands upon the other. Against this monstrous abuse, this inversion of every course of policy, with a matchless eloquence he unremittingly and vehemently inveighed. That illustrious man, whose devotion to his country, whose elevation, moral and intellectual, was never disputed. is no more: he lies hard by—the depository of the glorious dead; one of the greatest statesmen ever produced by Ireland was borne by its greatest warrior. It was a noble and heart-touching sight to see Arthur Duke of Wellington sustaining the remains of Henry Grattan to the grave. I wonder—I shall be pardoned by the illustrious survivor for wondering—when sadly and slowly he laid him down, the great captain whispered to himself, that it would have been well if the policy of his great compatriot, from whom he differed in life, but whom in death he honoured, with regard to their common country, had, at an earlier period been adopted. He has lived to carry that policy upon one great question into effect. I remember, it would indeed be difficult to forget, his exclamation, when, in speaking of the necessity by which concession was dictated, he protested that, rather than his country should for a single month be exposed to the horrors of a civil war, he would gladly lay down his life. It was a noble sentiment, worthy of that conjunction of humanity and of heroism which is found in the truly brave. Would that those who were perpetually giving way to a dark and sanguinary wish, who say that it must come to a fight at last, who deal in frightful innuendos, and who would shed blood as heedlessly as they quaff wine—would that they could impress that merciful sentiment upon their own hearts, and that the celebrated person who gave it utterance would extend it beyond the question to which it was applied ; and in following up that great measure to its necessary consequences, in order to avert the evils that impend upon his country, he would wake to the crowning immolation. I have deviated for a moment from the course which I had prescribed to myself. I return to it. I may perhaps be told, that I should not revert to events which, without being irrelevant, are remote. Why, indeed, speak of the Whiteboy Act, when an Act passed in 1832, and appropriately associated with a celebrated name, is so close at hand? True. Since the date of that Act how many calamities have befallen? I shall not dwell upon them ; they are vivid in the public recollection. The blood with which they are writ in the annals of the country is too fresh. Enough to say that it is on all hands agreed that that Act must be relinquished. The Tories gave it up, and the Member for Lancashire has virtually denounced it, by proposing a reduction of twenty-five per cent. This has become inevitable. But in 1831 had our advice been taken, this sacrifice might have been avoided; England would have saved a million; events which all must contemplate with grief, and some with remorse, would not have befallen, and a distinguished individual would have escaped the somewhat mortifying necessity of sharing in that spoliation which in terms so unmeasured he so virtuously denounced. Something, then, must be done. What shall it be? The Church Commission shall inform us. The second paragraph in the preamble refers to this Commission ; of its origin I shall only say that it was issued by Earl Grey. Gentlemen hint that his Lordship is not favourable to appropriation. See how they deal with that eminent man: they avail themselves of his supposed authority, and when he adjures them to pass the Municipal Bill, not like a partisan hot from the contests of faction, but like a soothsayer from a temple, when he comes forward to point to the dark and gloomy likelihoods that lower upon us, they reject his admonitions with disdain. Of the origin of the Commission I have said thus little; of its results I shall not say much more; I shall insist but on a single fact that stands prominent in the midst of a great mass of details. There are in one province in Ireland forty-five thousand Protestants, and one million one hundred thousand Catholics. Propose a new distribution after that! New distribution! until new appropriation became irresistible, of new distribution you never spoke, of new distribution you never thought, no not even when Queen Mab was with you, and tickled you with a tithe-pig's tail, of new distribution you never dreamed. This single fact is sufficient to establish the surplus, if there were no other. I proceed to the last paragraph—it states two things; first, that the spiritual wants of the Irish Protestants are to be provided for; next, that the surplus shall to the purposes of moral instruction be applied. What are the spiritual wants of the Irish Protestants? How much money do they want? The Scotch Church has not three hundred thousand pounds; why should the Irish Church have more? Because the Irish Church has got Bishops. You cut them down to twelve; they are not to be more; how does it appear that they ought not to be less? Why should the primate have more than the Lord Chancellor? The Bishop of Derry more than Chief Justice? Your difficulties about a surplus are imaginary, and are, indeed, of your own creation. Apply the principle of the Church Temporalities Act, and a surplus will be straight produced. You diminished the number of Bishops; why should not the number of parsons be also cut down? You provided that benefices in which divine service had not been performed for three years might be suppressed. Do not suppress, but consolidate, and the difficulty is at an end. But how is the surplus to be applied? To none, it is said, but Protestant ecclesiastical purposes. But I shall not enter into abstractions; it is far better to devise some construction of the words "ecclesiastical purpose by which all differences may be adjusted." When men are determined to quarrel, they find ingredients for hostility in a word; when men are anxious for accommodation, they discover the materials for friendship in a phrase. How fortunate it would be if we could devise some liberal but not illegitimate interpretation, by which the purposes of Christian morality and all the feelings attached to it could be promoted, even if it were necessary to strain an expression, and it might perhaps be justifiable to do so, in order that peace might be extracted from it. But no violence need be done to language in order to obtain from ecclesiastical purpose what I may venture to call a benevolent, a Christian introduction and, considering all the evils it may remedy, a merciful signification. Sir, I insist that the instruction of the people in the precepts of morality is a Protestant ecclesiastical purpose. The truth you believe to be with you (for the sake of argument let it be for a moment supposed): the increased intelligence of the people must be subservient to its propagation. You perpetually (in my opinion without the least reason) complain that the priests, for their sinister purpose, keep the people in darkness; that ignorance is an expedient of sacerdotal dominion, and that they avail themselves of their barbarism for their subjugation. Break the chain; throw off the yoke, and educate the people. You have tried every other resource of proselytism—confiscation, penalty, national degradation—all has been resorted to except public instruction; put this experiment to the test. But supposing that the augmented instruction of Ireland will not contribute to the extension of Protestantism, surely the diffusion of moral habits is a purpose which every Christian Church must have at heart. Protestants do their religion injustice in assigning to it such narrow, contracted, and exclusive purposes. It is only necessary to peruse the Book of Common Prayer to feel that peace among all Christian people was among the chief purposes contemplated by the men by whom the manual of your national devotion was drawn up. You pray for peace amongst all Christian people; you kneel on the velvet cushions of your churches, and offer up for peace a pious invocation; but when from the temple you turn to the cabal—when from the offices of piety you turn to the business of partisanship—peace and charity cease to be ecclesiastical purposes, and you give to them a disastrous interpretation. But in seeking for a benevolent construction to what better evidence can I resort than the very prayer from which its daily use ought not to take its reverence, and which, if ever it was applicable to our discussions as a preliminary invocation in reference to this Church question, is most happily appropriate. This day the respectable chaplain of this House, on the behalf of every man that hears me, no matter what may be the difference of sect, offered up an orison for the union and knitting of men's hearts in the brotherhood of Christianity together. I appeal to the sentiments and to the language contained in that benevolent invocation, in order to rescue your religion from the misrepresentations of its professors. These sentiments and that language are the language and the sentiments of every Christian in every part of the world where the prophecy in regard to the name of our Redeemer is fulfilled. Yes, Sir, the knitting of men's hearts together in the brotherhood of benevolence, the propagation of the habits of pure Christian morality, the diffusion of those feelings of forbearance and of charity which teach us to love one another, is a Christian purpose. It is, I hope, a Protestant purpose—it is, I am sure, a gospel purpose. When, to shepherds abiding in the mountains, attending flocks by night, it was announced that there should be glory to God in the highest, with that angelic intimation there was associated a prediction scarcely less holy, that there should be peace on earth. But for us there is in the name of religion to be no peace; there is in the name of religion to be malice, hatred, and ill-will: in the name of religion, our distractions are to be perpetuated, and our rancours are to be exasperated; every bitter spring of calamity, every fountain of atrocity, is to be unsealed; the soil is to be drenched in the blood of the people, and at last, in the name of religion, the fell horrors of civil warfare are to be let loose. To God, we were told a few days ago, to none but God, are the men on whose decision our destinies must rest responsible. In the smile to which that unexpected announcement gave rise, I did not participate: oh that they would feel that the men who abuse the power to do good, by the infliction of incalculable harm, to the power which reads the secrets of the heart are indeed responsible, and that for the calamities in which they will have been instrumental, they will have to pass a terrible account.

Lord *Stanley* said, that if any persons came to that House to listen to the speech of the hon. and learned Gentleman, the Member for Tipperary, in the expectation of hearing well-turned and highly-polished sentences and richly-ornamented declamation, they would seldom be disappointed, and certainly would not have been so on the present occasion. He would admit that the hon. and learned Gentleman well deserved the tribute which those cheers paid to his oratory, but he must add, that if any had come with the expectation of hearing a great mind grappling with a great question, with sound arguments deduced from solid premises, they would indeed be greatly disappointed, and while they might admire the ingenuity and consummate talents with which he had cloaked his subject, they would have to regret that from the beginning to the end he had studiously concealed any allusion to the merits of the Bill before them. He would challenge any hon. Member to point out any single part of the hon. and learned Member's speech in which he had adverted to the merits of the Bill under discussion. He fully joined with the hon. and learned Member in what he had said of the Protestant religion, inculcating glory to God on high, and on earth peace and goodwill to men. The hon. and learned Member was quite right in applying his remarks to that all but perfect ritual of our Church. He would not speak on that subject in any tone of levity, but he might say that the great principle of our religion was, that it adapted itself to the state of society, and that one of its first principles was, resist not the ordinances of God—resist not the laws—render to every man his due—and take care that you owe no man anything but universal love. The hon. and learned Member had said, that the people of England were in favour of this Bill, and he deduced that conclusion from the assumption that the representatives of the people were favourable to it. If that were so, he called upon the hon. and learned Gentleman to speak out, and tell the people of England what the real objects of the Bill were. Let not the hon. Member, and let not the Members of his Majesty's Government delude themselves with the hope—a hope which could not be much supported by their diminishing majorities—that the people of England were prepared to adopt a measure, the great recommendation of which, in some quarters was, that it would lead to the annihilation of the Church of Ireland. "The people of Ireland are with you!" —"Are they?"—continued the noble Lord. Tell them your objects—tell them the flimsy pretexts on which they are founded—tell them your prospects, and that no peace is to be for Ireland until those prospects are realized; tell them the good-will to the Church of Ireland of a large number of those by whom this measure is supported, and then let them tell you whether they are favourable to such a measure. Let his noble Friend (Lord J. Russell) look to his majority on this subject; let him analyze it in the secrecy of his closet; and then let him say how many of that majority he believed to have voted for this Bill, solely from the desire of a reformation in the Church, and who, having obtained that object, were not disposed to go further. Let him separate those who were prepared to go with him and stop where he would stop, from those who would go much further, and who only went that far with him, in order at some fit time to urge him to go further with them, and then he might be able to say who were the supporters of the Church and who were opposed to it. The hon. and learned Gentleman who had said, that the people of England were beginning to ask themselves this question, "of what use is the Church Establishment at all?" If that were so, then, in God's name, let it be openly discussed, and let it be put to the people of England, Scotland, or Ireland, to say ay or no, whether we were to have the Protestant religion or not. Let the real object be honestly avowed, and give the people an opportunity of deciding upon it. He hated this sort of bush-fighting—this fighting with a shadow which they could not touch, while the substance remained behind. The course adopted by the supporters of this Bill was, to say the least of it, most disingenuous. If the opponents of the measure objected that the purpose of the Bill was to destroy the Church of Ireland, they were met at once by a loud disclaimer. Nothing it was, said, was further from their intention than any injury to the Church—all that they wished, it was added, was that an extravagant and bloated Church should for its own security be brought within dimensions proportionate to its intended purpose—all, forsooth, that the supporters of the Bill wished was to take off that surplus which was not wanted by the Church, which they would apply with the utmost care to the purposes of general education; and they added, that the object to which the surplus should be applied should be "strictly Protestant purposes."

That was, that education, no matter in what way given, was "strictly a Protestant purpose." "Who," said the hon. and learned Member, "is opposed to education?" So said he, who was? He was not, but, added the hon. and learned Gentlemen, if you wish the spread of Protestantism you should give education, which will enable the people to break the chain by which they are kept down in ignorance, and emerge from the yoke. ["*A loud cheer.*"] He would offer no comment on the interruption of the hon. Member, who had obtained some little celebrity by his exhibitions in that way, but he owned he would rather hear an answer to his argument in its proper time, than an interruption, though that interruption might show the want of argument. But to resume; he would say, that if education was the thing which was so much wanted in Ireland—and far was he from denying its advantages—if education were so essential to the pacification of that country, why not ask the means from the Parliament of England? He was sure that there was no sum too high, no sum which could be considered too great, for such a purpose. There was no sum which Parliament would not be disposed to grant to produce such desirable results. And when the hon. and learned Member (Mr. Sheil) stated that this sum was to be applied only to Protestant purposes, he must, without disrespect, say, that though he agreed in the object as far as education was concerned, he must withhold his assent from the purpose. The hon. and learned Member himself must know that there was something beyond education in the purpose for which this sum was sought. There was a disposition to carry it further. The Catholics were the majority, it was said, in Ireland, and he admitted the fact; the Protestants were the minority, and that he also admitted; but the inference which some parties were disposed to draw from these premises was this—that the Catholics being the majority, the whole of this Church property should belong to them. He would ask those who interrupted him, if the present Bill was to be the be-all and the end-all of the question of Irish tithes, and that the matter was to go no further? Was there any one of the hon. Gentlemen opposite who would say so? Would any of his Majesty's Ministers come forward and say, that the present was to be a final and conclusive measure? If not, then with what face could any hon. Member come down to that House, and say that this part of the Bill was for the promotion of education, and for that only? But would this grant for education, of which so much was said, settle the matter?—would it prevent any further agitation of the question? Undoubtedly it would not. He had been charged with having introduced a principle similar to the present in the Church Temporalities Bill. He denied the fact. The changes proposed in that Bill were to take effect only when the livings became void. But the hon. and learned Gentleman (Mr. Sheil), with a sort of logic of which he might well be ashamed, had said, "You have cut down ten bishoprics because they were found too numerous for the necessities of the Church, and why not on the same principle reduce the number of clergy? Now, what was the argument used when that question was under discussion before that House? It was this—that the number of Bishops was disproportionate to the numbers of the clergy, not that the clergy were more than were necessary. And now, when the revenues of the reduced bishoprics were to be applied to the improvement of the smaller livings in Ireland, the hon. and learned Member drew the illogical conclusion that the number of the clergy should be reduced, and thus reduce the proportion of the clergy still lower. It was next said, that the number of the clergy was too great for the number of the Protestants of the Established Church in Ireland. He was prepared to take his stand upon that question. He was aware that he had been accused by the hon. and learned Member for Kilkenny of having on a former occasion objected to the disproportion of the clergy and the numbers they had to teach, but he was then only showing that hon. Members, according to their own data, were wrong in the principle which they adopted. The principle of this Bill, he contended, was a dangerous one, as it gave the state a pecuniary interest in cutting down the revenues of the Church, and thus it set the State, as it were, against the Church. That principle was a bad one. But, in addition, he had this objection to it, that it was worked out by dangerous machinery, and any one who would take the trouble of looking over the clauses of the Bill would find it. The state had a pecuniary interest opposed to the Church; but what were the powers by which that evil tendency was to be corrected? What were the powers of the

Commissioners? and he begged the attention of the House to this:—The Commissioners were to be the sole judges of the changes which were to be made under this Bill. They alone had the power to decide every question. The Lord-Lieutenant was a mere cipher in their hands. They had power according to their discretion to unite or disunite benefices, to fix the boundaries, and to give new names to the new benefices thus made, and to fix the income of each, to arrange as to the glebes which should belong to each. These were considerable powers as related to the Irish Church; but who were they by whom those powers were to be exercised? Were they men distinguished by their attachment to the Established Church? Nominally, at least, they must be Protestants, but beyond that they were the mere creatures of the noble Lord, the Secretary for Ireland, and they must be the creatures of any Minister, and must do his bidding, whether he were attached to, or a member of the Established Church or not. Now, what were the restrictions on these men? The Bill took care that the salary of the Minister should not exceed a certain amount in any case. There was a *maximum* as to income, but there was no *maximum* as to extent of duty. There was a starvation point, it was true, below which they could not go. The Commissioners might extend the duty, though they had not the power to extend the income in the same proportion. Why, then, the whole Bill was a failure. It was one-sided, it was admitted, that if the whole income of the livings of England and Ireland were equalised, the result would be, that in Ireland each living would be 294*l.*, and in England 285*l.*—a very near approximation. In Ireland, according to one statement, the congregations would average 640, in England 1,017, including, according to the noble Lord, Dissenters. [Lord *Morpeth:* He had not meant to include Dissenters.] He had so understoood his noble Friend; but he was glad to be corrected. The average number of members of the Church of England in the parishes of England was 1,017. In England the average size of the parishes was five miles square; in Ireland the average size of the parishes was twenty-five miles square. Now, he was sure that his noble Friend would not pretend to maintain that a clergyman who did duty in a parish twenty-five miles square, containing 640 inhabitants of his persuasion, had not a much more laborious task than a clergyman who did duty in a parish only five miles square, but having 1,017 inhabitants of his persuasion. Nor, he was sure, would his noble Friend contend, that 294*l.* was an exorbitant average of salary for a clergyman of the Church of England doing duty in a parish five-and-twenty miles square. His noble Friend stated, that under this Bill there would be only 129 clergymen in Ireland, with incomes under 100*l.* a-year, while now there were 287 so situated; and had exclaimed, "See what an improvement this is!" But nobody thought of leaving things as they were. But his noble Friend had not stated the case fairly. He forgot, that under the provisions of the Bill, of 1,250 benefices, the Ecclesiastical Commissioners might, if they thought proper, reduce 799 to 100*l.* a-year. Now, he could not consent thus to leave the pecuniary interests of the Protestant Church Establishment in Ireland subject to the caprice of any Government. He could not sit down without adverting to another fallacy on this subject. His noble Friend, at the head of his Majesty's Government, had, with a rashness which belonged to a younger man, admitted, in the other House of Parliament, that the Bill would inflict a heavy blow on the Protestant interest in Ireland. Let it go forth to the people, that the Prime Minister of England acknowledged that the measure he proposed would inflict a severe blow on Protestantism in Ireland. "I know," said the Premier, "that we are inflicting a severe blow upon Protestantism in Ireland, but (let the House mark the sequel) we cannot help it." Was this a fit argument for the Prime Minister of England to use? "We know our measure is dangerous to the Protestant Established Church—we know that it inflicts a severe blow upon Protestantism; but we cannot help it, and we cannot help it because we are driven on to it by those who are aiming at other things—because we can neither defend our measure on its own merits, nor resist the power of those who compel us to adopt it." The House was told they must give contentment to 7,000,000 of Irishmen.—[*Cheers.*]—Perhaps, the hon. Gentleman, whose cheers were always so significant, and which sometimes drew down upon him a degree of notice not usually extended to other Members, would tell him, from the accurate investigation he had made into all the merits of the Bill, whether, when by his significant cheer, he expressed so ready and decisive an opinion, he thought, varying in that respect from all the rest of the House, that this measure would afford the slightest degree of contentment to the 7,000,000 of Irishmen who were spoken of [*cheers.*] Let him (Lord Stanley) say, that out of this 7,000,000 there were somewhere about 1,500,000 who had no direct interest whatever in the settlement of this question; and that fact the hon. Gentleman, who should know as well as he (Lord Stanley) could tell him. But then it was said, it was not the amount of the reduction that was to be considered, but the feelings of the people, [*cheers.*] The right hon. Gentleman, the Member for Nottingham, cheered that expression; then, of course, he was quite prepared to go to the full extent required to gratify the feelings of the people of Ireland. That being the case, let the right hon. Gentleman take, not his (Lord Stanley's) authority upon the point of what would be requisite to gratify the feelings of the people, but the authority of the hon. and learned Member for Kilkenny (Mr. O'Connell), who, upon all occasions, declared himself to be the representative of all Ireland; that was to say, of the 7,000,000 whose perfect contentment this Bill was to insure. And let him ask, whether the hon. Member for Kilkenny, in a recent publication addressed to the people of England, had held out a prospect of that peace on earth, and goodwill towards men, which it had been promised should follow the adoption of this Bill. In that publication the hon. and learned Gentleman said, reduce the Established clergy thirty per cent.; apply 50,000*l.* a-year of the revenues of the Church to the purposes of general education; but the hon. and learned Gentleman said nothing of the 40,000*l.* which was to be appropriated to the Consolidated Fund; and he (Lord Stanley) would say nothing of it either. It appeared, however, from all that was stated upon the Report, that of the 90,000*l.* to be deducted from the revenues of the Church, 50,000*l.* only were to be devoted to the purposes of education. But when the hon. and learned Gentleman, in his address to the people of England, spoke of the application of that sum to the purposes of education, did he hold out the slightest prospect that such an application of the revenues of the Protestant Established Church would afford anything like perfect contentment to the 7,000,000*l.* If, then, they were told that the present measure, though it were, as he believed it was, objectionable to the people of England, though it inflicted, as a Prime Minister had declared, a severe blow upon Protestantism in Ireland—though it were carried only by a bare majority in the House of Commons, and opposed by a very great majority in the House of Lords—if, in spite of all this, they were told that the Bill was still necessary, for the sake of giving contentment to Ireland, was it too much to require, was it unreasonable to ask, what that contentment would be. The hon. and learned Gentleman, in his address to the people of England, said, "The rev. Mr. Longueville insists that I shall pay him 50*l.* a-year for tithes; and because I deem this demand, as it manifestly is, most unjust and unreasonable, he causes a bill to be filed against me in the Court of Exchequer;" but the hon. and learned Gentleman did not say, that if this Bill passed he should be content to pay seventy per cent. of the present amount of tithe to the rev. Mr. Longueville. On the contrary, he said, alluding to Mr. Longueville, "I think my religion better than his; and, therefore, I never will pay him one shilling—no, not one farthing." Here was a distinct assertion on the part of the hon. and learned Gentleman, that he never would pay one farthing in the shape of tithe to a Protestant clergyman: and why? Because he thought the religion he professed better than the religion of the State. That might be the hon. and learned Gentleman's private opinion; but was the Legislature to sanction or to recognise the doctrine of every man who thought his own religion better than that of the State. But if the Legislature did not do so, how could they expect to give contentment to the 7,000,000 of Irishmen, every one of whom, no doubt, thought his religion better than that of the State. It was impossible that the Legislature could do so, and, therefore, following again the advice of the hon. and learned Member for Kilkenny, which they had often done before, very much to their own detriment it could not be doubted, that even after the passing of this Act they would continue their resistance to the payment of tithe.—[Mr. *O'Connell*: The noble Lord states what is untrue.]—The hon. and learned Gentleman will allow me to say, (continued Lord Stanley) he is the last man who ought to make use in this House, or elsewhere, of offensive expressions such as that which he has just used—most indecently interrupting me.

Mr. *O'Connell:* I rise to order. Have I not a right to express my feelings when a charge is untruly made against me. In the first place, the noble Lord garbles my letter. I repeat it. I repeat it distinctly, that the noble Lord, in the first place, read garbled extracts from my letter. In the next place the noble Lord said, that the people of Ireland had often followed my advice to their detriment. When such assertions, so foreign from the fact, are made, I conceive that I have a right to reply to them. If such a mode of argument is unworthy of any man, it is still less becoming in the noble Lord, whom I have observed shrink from every man in the House but me.

The *Chairman*, interfering, said, I would remind the hon. and learned Member for Kilkenny, that he will have ample opportunities of replying to the speech of the noble Lord in a regular manner.

Lord *Stormont*, amidst great confusion, rose to order. He felt it to be a duty he owed to the House to ask the Chairman (Mr. Bernal) whether, in the exercise of his functions as Chairman, he conceived it to be within the bounds of order that such words should be allowed to pass from one Member towards another as within the hearing of the House had passed from the hon. and learned Member for Kilkenny towards the noble Lord. The words used by the hon. and learned Member for Kilkenny, in reference to the observations made by the noble Lord, were these—"That is untrue." He begged to ask, whether the use of such words came within the bounds of order.

The *Chairman:* When a question upon a point of order is thus directly and formally put to me I have not the slightest hesitation in replying to it. Strictly speaking, no one hon. Member has a right in the course of a speech, or after a speech, to say it is not true. But then I must appeal to the recollection of every hon. Member present to bear me out when I say, that however this kind of expression may not be warranted by the strict rules of debate, unfortunately it is but too much warranted by example. Since I have had the honour of sitting as Chairman of Committees in this House I have heard many hon. Members, under the surprise of the irritation at the moment, contradict, in perhaps no very courteous terms, particular allegations made in the speeches of other hon. Gentlemen. But upon the present occasion I will not shrink from giving a direct answer to the direct question which has been put to me, and therefore give it as my opinion, that such expressions as the noble Lord has described, passing from one hon. Member to another, are not in order.

Lord *John Russell* rose and said: Undoubtedly, what you have said, Sir, upon the point of order, is perfectly correct, and I have not the slightest hesitation in saying, that, in my opinion, the interruption of the hon. and learned Member for Kilkenny was most disorderly. But I now appeal to you, Sir, that in the future part of the speech of the noble Lord opposite you will not allow him to be making charges against this side of the House, imputing to us that we are not acting upon our own opinions, but that we are driven on by others to adopt a course which in our hearts we do not approve. [Interruption. After a brief interval Lord *John Russell* continued.] I say (said the noble Lord), that, according to the orders of the House, no hon. Member ought to attribute motives to others. The noble Lord has attributed motives to us of a most scandalous nature.

Sir *Edward Knatchbull:* Sir, you have been called upon to interfere upon a point of order, and you have most properly performed, as far as you have gone, the duties that devolve upon you as Chairman of the Committee. But I humbly submit to you and to the Committee at large, whether the hon. and learned Gentleman who has been guilty of the disorder you have pointed out ought not, before the noble Lord (Stanley) adverts to any other public topic, to offer some explanation of his conduct. I leave the matter in your hands, Sir, satisfied that you will call upon the hon. and learned Gentleman to explain.

Mr. *O'Connell:* I am quite willing to withdraw the words which have given offence. If the progress of the debate depend upon my doing so, and if they are pronounced out of order by the Chairman, I withdraw them cheerfully and at once; but, at the same time, I caution the noble Lord against indulging in such attacks as called forth this unguarded expression of feeling from me.

Lord *Stanley* continued: It appears that my noble Friend (Lord John Russell) has taken umbrage at some expressions contained in my speech. I only think it would have been more consistent with the rules of the House if my noble Friend had reserved any observations he felt it necessary to make upon that point, until he had the opportunity to make a general reply. This, at least, would have been more regular than to take the opportunity of introducing his observations in a discussion upon a point of order arising out of the interruption given to the regular progress of the debate of another Member. I do not conceive that I am passing the legitimate bounds of Parliamentary discussion when I say, that the members of the Government, and when I found my assertion upon the declaration of the Prime Minister, that he is doing that which he knows will inflict a grievous injury upon Protestantism, but that he cannot help it. I think I am not passing the bounds of Parliamentary freedom of speech, when I give as my interpretation of the text afforded me by the Prime Minister, that the Government as a Government, are driven to the adoption of measures such as men acting upon their own individual judgments, would be desirous to avoid.

Lord *John Russell* rose to order. I was, perhaps, to blame for not interrupting the noble Lord when he used these words in the first instance; but as he has now repeated them, I will not evade the opportunity of pointing out why I conceive them to be disorderly. I can conceive nothing conveying a greater imputation of dishonour to any set of men, than the assertion that they are driven on by others to adopt measures which, in their hearts as individuals, they would be anxious to avoid. I should have thought, indeed, that the noble Lord would have been one of the last to prefer such a charge, because, however others might have been ignorant of it, I should have thought that the noble Lord, of all men, knew the difference of opinion which long prevailed in the Cabinet, of which he was a member, on this subject. The noble Lord having now repeated the words which I conceived to be objectionable and disorderly, I am now obliged to ask you, Sir, whether it is in order for any hon. Member to lay upon any Member of the Government a charge which implies, as I conceive, the greatest dishonour, and which could not be attributed to any individual Member of the House without a palpable breach of the order of debate.

The *Chairman*: The Committee will see the great difficulty of the situation in which I am placed. I repeat the expression—the Committee must not only see, but I should hope it would feel, the difficulty of my situation. If I were spontaneously—[does any hon. Gentleman refuse to hear the opinion of the Chairman after it has been asked?] I say that the difficulty under which I am placed is not one of a light nature. If I were spontaneously to interrupt every hon. Member who transgresses the rules and orders of the House, I should indeed have a laborious duty to perform. I abstain from doing so, because I am afraid of protracting the business of the House; but at the same time, I trust I shall never be deterred by any feeling, from taking the proper course when any hon. Member seriously transgresses the rules of the House. If I be directly appealed to, to say whether it be disorderly or not for one hon. Member to attribute motives to another, I can only reply—undoubtedly it is; but the noble Lord must pardon me if I say that a distinction is to be drawn between the application of particular terms to individuals, and to bodies of men. Undoubtedly, if motives of an atrocious nature were imputed either to the Government as a body, or to a Member of the House, in his individual capacity, I should feel myself bound to interfere; but, at the same time, I must say, that I consider the charge made by the noble Lord (Stanley) in the course of his speech to-night, and which he has just now repeated, is one which I expected would not be objected to at the present moment as disorderly, but one which would be refuted, in the progress of the debate, by some of the noble Lords or right hon. Gentlemen, who sit on the right of the chair. I certainly did not consider it as of a nature imputing dishonourable motives to the Government, and therefore I did not interfere.

Lord *Stanley*: I am of your opinion, Sir, that in the observations I made, founded as those observations were upon the declarations of the Prime Minister, I did not transgress any of those rules of order which govern the conduct of debate in this House. If ever I am so unfortunate as to do so, I hope I shall, at all times, be found ready to bow at once to the decision of the Chair, and express my regret that any hasty language of mine should have been the cause of interrupting the progress of the discussion. The noble Lord then continued to observe, that the argument he was pursuing at the time he was interrupted was, that if the great inducement held out for the adoption of the Bill, was the producing a feeling of contentment amongst a large portion of the people of Ireland; he wished, in the first instance, to be satisfied, before he made the sacrifice demanded of him, that the general object for which it was made was likely to be obtained; and in order to show that this Bill would not effect that object, he was stating the opinion of the hon. and learned Member for Kilkenny, who accused him of garbling his letter, and whose attention he therefore now ventured to request to some passages taken from the same letter which he was about to quote. The hon. and learned Gentleman proceeded, in a subsequent part of his last address to the people of Great Britain, in these terms: " Let me add, however, that in the case of the Catholics there is a feature of greater strength, and more distinctness. It is this: here tithes were instituted, there glebes were set apart, not by Protestants for Protestant worship, but by Catholics for Catholic worship. They were ours; we assigned them for our purposes—the purposes of the ten thousand—the force of law, or rather the law of force, has unjustly torn them from the Catholics, whose property they were, and given to them the 200 Protestants, whose property they were not." What was the inference to be drawn from this passage? With such opinions addressed to them, what sort of satisfaction was a measure such as the present likely to give to the people? What, too, was the heading of this letter? " Justice—justice for Ireland." " Here tithes, there glebes," said the hon. and learned Gentleman, " were ours—they were unjustly torn from us—you, the people of Great Britain, do justice, and restore them to us." There would be some sense, some reason, some logic in that argument; but there is no sense, no reason, no logical deduction to be found in the proposition, which, after the premises laid down by the hon. and learned Gentleman in his letter, says, " Let us take from the revenues of the Established Church a miserable portion for the purposes of general education, leaving the whole of the remainder to Protestant uses. Let us give nothing to the Roman Catholics, who formerly had all, but let us apply a small portion to the purposes of general education, and then the people of Ireland will believe that you have done them justice, whilst at the same time they have this letter of the hon. and learned Member in their hands, and they will be contented, and all will be peace and tranquillity." But the hon. and learned Gentleman went further, and said, " The people of Ireland are moderate, they are easily satisfied, they do not demand all this at present. Less would now content them. Yes; but for how long? The right hon. Gentlemen opposite were prepared to do all that was now necessary to satisfy the demands of the Irish people—let him just point out, in the words of the hon. and learned Member, what those demands were. The hon. and learned Gentleman concluded his address in these words:— " Well, the Irish are, at present, more moderate,—less would now content us—we desire to have tithes totally abolished; or if any part remains to be levied, that it shall be applied to the purpose of giving education to all classes of the people. We do not, at present, demand the glebes for the residence of the pastors whom the people prefer; but I candidly acknowledge that, as the contest continues and grows warm—as the Protestant clergy identify themselves with the wholesale slaughterers in the field, and with the more vexatious and exasperating villainy of the Exchequer attorneys—as the ideas they excite are of the Rathcormacs, red with the blood of the sons of widows, or of the odious Exchequer rebellious writs—all connexion with religious institutions is forgotten, and the Irish Juggernaut of plunder and massacre stands prominent, as demanding those sacrifices which we formerly thought were only made to a mere difference in religion. The time is, from these causes, fast arising when a compromise will be impossible; and those who now refuse an amicable and moderate arrangement, will have to blame themselves when a similar arrangement shall be rejected indignantly, contemptuously, by the people of Ireland." A compromise impossible!—a compromise upon what terms? The total abolition of all tithes, and the application of whatever might be left of revenue to the Established Church, to the purposes of general education. This was the amicable and moderate arrangement which, according to the hon. and learned Gentleman, the House would have to blame itself for not adopting. Did his noble Friend the Secretary for Ireland (Lord Morpeth) recollect the discussion which took place in that House two or three days ago? Did he recollect how many of those hon. Members, who assumed to themselves the claim of being the representatives of all Ireland, voted on that occasion? Did his noble Friend recollect, that the division took place upon an amendment moved in his own Bill? Did he recollect that it was a motion for the total abolition of all tithe—for the exemption of all persons of all religious persuasions whatever, from the future payment of tithes in Ireland? Did his noble Friend recollect, that of the twenty-two representatives of Ireland who voted on that occasion, four only, including the hon. and learned Member for Kilkenny, were found to support the motion of the Government, the other eighteen voting at once in favour of the proposition for the total abolition of tithes. This, then, was a specimen of the sort of contentment which was to be afforded by this Bill to the 7,000,000 of Irishmen who professed the Catholic faith. With such an instance before him, he thought it was not too much to say, that the arrangement proposed to be made by this Bill, would be neither final nor satisfactory. His noble Friend knew, and knew well, that it was perfect illusion to suppose that the measure could be final, or that it could be satisfactory. In the adoption of the present Bill, Government would be introducing a dangerous principle, carried into effect by dangerous machinery, and guarded by no provisions of a restraining kind. It was a measure which would tend to the destruction of the Protestant Church in Ireland. The Prime Minister himself had admitted that it would give a great blow to Protestantism in that country. It was obvious that it would give no contentment, and yet all the arguments in favour of the Bill were rested upon the general assertion, that it would not injure the Protestant Church, and that it would give contentment to the Irish people. He said that it would do neither one nor the other, and he trusted that the Government would see before long, by their diminishing majority in that House, that they had the people of England against them, and against their plan of dealing with the property of the Church in Ireland, in the same way as he was satisfied that plain sense and plain reason were against it; and that they would never be permitted, under the fallacious hope of effecting a compromise, to sacrifice the Irish Protestant Church, and the maintenance of the Protestant religion in Ireland, to arguments which, if they meant anything at all, led to this necessary conclusion, that for the Protestant there should be instituted a Catholic ascendancy in Ireland.

Mr. *Poulter* begged in explanation to say, that in reference to the point alluded to by the noble Lord (Stanley,) he (Mr. Poulter) was now aware that he should have referred to the Tithe Commutation Act, and not to the Church Temporalities Act.

Mr. *O'Connell* had not intended to trespass on the attention of the House on this occasion. His opinions upon the subject now under discussion had been so often expressed, that he thought the House must be weary of hearing them. But the noble Lord had rendered it impossible that he should be wholly silent. The noble Lord had selected a happy illustration in favour of the present measure from that very letter of his (Mr. O'Connell's), from which he had quoted some passages. It was stated in that letter, that in one parish in Ireland, 9,990 Roman Catholics were made to pay tithes to a Protestant pastor, who had only a congregation of 77 Protestants, being the whole amount of the Protestants in that parish. He supposed that this was all in consonance with the reason, the common sense and the sound logic, of which they had heard so much from the noble Lord; but was it Protestantism? Whilst such things were allowed to continue who was it that gave the blow to Protestantism? Was it he who insisted on the plunder of the 9,990 Roman Catholics to supply the spiritual wants of 77 Protestants, who never saw their clergyman? Or was it he who said that this was a state of things which brought scandal upon the Protestant Church, inflicted an injury upon the Catholic people, and ought therefore to be discontinued. Nay, it was a fact, that in the instance to which he had referred the Protestant clergyman had never slept three nights in his parish since he had been in possession of the living, though it was true that he had, on one occasion, taken the trouble to go all the way from Bath or Cheltenham to Ireland for the purpose of giving a vote against him at his election for Kerry. Was this Protestantism? He maintained that the noble Lord (Stanley) was the bitterest enemy to Protestantism. The noble Lord's disposition towards Ireland was very well known, and when he spoke of the condition of that country it was with pleasure, with animation—nay, for once, there was even a smile upon his countenance which reminded him, as Curran happily said of another man, of a silver plate upon a coffin. The noble Lord had read a passage from his (Mr. O'Connell's) letter, which would imply that he was against any compromise on the subject of tithes. If the noble Lord had stopped short in his extract such an inference might have been drawn from the first part of the passage; but luckily for him (Mr. O'Connell) the noble Lord had, in the vehemence of his feelings at the moment, a little overshot the mark, and instead of confining himself to a portion, read the whole of the passage, in the latter part of which it was not only implied, but directly stated, in the broadest and most direct terms, that there was now a prospect of a moderate and reasonable arrangement; and he said further in his letter, and he repeated the same assertion now, that all those who refused to accede to that moderate and reasonable arrangement, were enemies to the Protestant Church in Ireland. He was ready to prove this. What was the first Bill brought into Parliament upon the subject by Lord Hatherton? It was a measure which would having given to the Protestant clergy in Ireland 77*l.* 10*s.* per cent. upon their tithe composition throughout Ireland, payable at the Treasury. That Bill the noble Lord (Stanley) opposed; and then, to be sure, he talked to them of his noble Friends. He thought he had shamed the noble Lord out of the use of that term. Instead of noble Friends, noble thimble-riggers he should have called them. He had heard the noble Lord call his previous colleagues his noble Friends one moment, and the moment after describe them all as thimble-riggers. No phrase, indeed, was too vulgar for the noble Lord, provided it were virulent enough. Well, the noble Lord opposed this Bill, giving 77*l.* 10*s.* to the clergy. And why? Was there any appropriation clause in it? No, there was no appropriation clause in it? But the noble Lord opposed it because he was a friend to the Church. The Bill was rejected by the Lords, who would also, in spite of reason and argument, reject this Bill, because it contained an appropriation clause. When the right hon. Baronet, the Member for Tamworth, came into power, what was the Bill which the gallant Officer opposite (Sir Henry Hardinge) brought in? A Bill reducing the income of the clergy from 77*l.* 10*s.*, which was the amount fixed by his (Mr. O'Connell's) Bill, to 75*l.* a-year. The noble Lord (Stanley) supported that Bill; and it would have been carried through the House of Lords if it had met the sanction of the Commons. But was that all? Last year another Bill was brought in and passed this House; it contained an appropriation clause. How much did that Bill give the clergy? It gave them 72*l.* 10*s.*, five per cent. less than his Bill gave them. In the Committee of the House of Lords that part of the Bill was adopted. And these were the friends of the Protestant Church? These were the friends of the clergy, who charged him with wishing to deprive them of their property? If the majority had consented to have given up the appropriation clause, that Bill would have been law at the present moment. What had happened since? By the Bill now before the House, the clergy would get 67*l.* 10*s.*, exactly ten per cent. less than the Bill which he had proposed would have given them. This was what the common sense and logic of the noble Lord had done. Was he not right, then, in warning the noble Lord and his party, that they would not have such another opportunity of arranging this question as was now presented to them? The noble Lord, in commenting upon the letter which he (Mr. O'Connell) had addressed to the people of England, omitted to notice that part of it in which the conduct of the clergy of Ireland was signalized by their proceedings in the Court of Exchequer. Did the noble Lord think that that conduct had made no impression in Ireland? "I tell the noble Lord (said the hon. and learned Gentleman) that a compromise he may get this year. He may not get it next year. I had almost said, he shall not get it next year. Every hour is diminishing the value, and increasing the price." That was the style in which the noble Lord gave protection to the Church of Ireland. He had intended in

Committee on this Bill to have proposed a plan which would have given satisfaction to the people of Ireland, at least for a time? Did any man believe that any Church Bill merely would give satisfaction to Ireland, when the people of that country had the basest of outrages inflicted upon them by the basest of men. Was there the slightest hope that while the people of England and Scotland were enjoying Corporation Reform, and the people of Ireland were declared unfit and unworthy to enjoy those rights—as long as that injustice was done them, and done them too, as he had heard, though it had been denied, upon the ground of their being aliens from this country, it was impossible that satisfaction could be given to Ireland. Yes, that was another and an additional insult cast upon his country. But the plan he was about to propose was not that the amount should be reduced to 70*l.*, and 2*l.* 10*s.* for the collection, but that it should be reduced to 60*l.*, and that ten per cent. should be collected from the quit-rents of the Crown lands in Ireland, and which were now applied to beautify towns in England, but which ought to be applied to the benefit of Ireland. This would make 70*l.*, and the 2*l.* 10*s.* he should propose to be given as a *bonus* to every tithe-payer who paid his tithe. That, with the appropriation clause, would have satisfied those who were now calumniated as being the enemies of the Protestant Church, and who, at all events, would be paying men to that amount from whom they derived no service whatever. If that plan were adopted, he was quite convinced that at present, at least, it would be accepted with gratitude, and would lay one of the foundation stones for the tranquillization of Ireland. But he did not propose that motion, nor would he. The noble Lord had talked of the motion which had recently been made for the total extinction of tithes, and had referred to the division upon it. He (Mr. O'Connell) opposed that motion. He did so, because he knew Ireland as well as any noble Lord or hon. Gentleman in that House. He knew the festering of their souls under the recent conduct they had experienced; he knew the indignation that they felt; and he knew that they expressed not their judgment, but their resentment, when they divided upon that motion. He knew that. But he knew also, that if this Bill proceeded to the House of Lords, and held out even the hope of doing justice to Ireland, for he would repeat that phrase till he had carried it into effect, it would not pass. And why did he say so? What had been the effect of the accumulated majorities in this House in favour of a measure of justice to Ireland? Did they make one single allusion to it? What hope then was there, that by whatever numerical majority a measure favourable to Ireland might be carried in this House, it would be more favourably received by the House of Lords? Why the Commons were treated with as much contempt as if the majority were but a unit, as if the measures this House had passed were carried by a solitary vote. But that House bore such insults patiently, for they never were wearied in persecuting Ireland. For six hundred years the same system had been pursued towards Ireland. When the Irish petitioned Edward the 3rd, who was called the English Justinian, to admit them into a community with the English, and to share the protection which they enjoyed, what was the answer? He referred their petition to the great Lords, and what was their reply? That it was not for their own interest that the Irish should be admitted into a community with the English. That was the answer given in the year 1336, just 500 years ago; and here was a noble Lord just 500 years afterwards, as ready as ever to carry that resolution into effect. The difference of race was the first pretence—aliens in blood; a difference in religion was the last pretence—aliens in religion!—the cruelty always the same, the paltry excuse varying. It was now the sublimity of the Protestant Church. Why what was it to the Irish who did not believe in the Protestant Church, who did not think it the best? The Protestants were quite right, who thought it the best, to use it as an argument, but to the Catholics it was no argument at all. The noble Lord had not attempted to deny that the glebes now in the possession of the Protestant Church, were originally dedicated to the pastors of the Catholic people. But this, and all other property, the Protestants continued to plunder from the Catholics, until they extinguished the legislative independence of Ireland by the Union—promising with that union to give to her people a community of rights, privileges, franchises, and liberties with the rest of the empire, but which promise had never yet been fulfilled. Then, at the end of twenty-nine years after Ireland had forced them to give emancipation, they did it in that pitiful and paltry manner so as to bring the legislative body in collision with an individual. And now, in the present Session, behold what their conduct was! Why, he was told that it was perfectly safe for the other House to act as it did. He had heard it asked, what harm had accrued to the Lords from the course they had taken? What harm? Was it no harm to be convicted in the mind of every just and honest man of injustice? But nothing would operate upon such minds. Persuasion had no force with them. He had heard one young gentleman to-night, while talking of the rights of the Irish, by way of a set-off, ask, had not the English rights, too? He would ask, whether any English Member had ever stood up in that House for the rights of Englishmen who had not been supported by Irishmen? Why, then, did the hon. Member taunt him with the rights of Englishmen? Did he conceive that the English were not powerful or free without having the pleasure of trampling upon Ireland, and without being able to gratify that spirit embodied in the noble Lord, who was governed by a species of half fanaticism, which might be religion but was not charity? But no matter what the majority of the Commons was, this Bill would be rejected by the House of Lords with an alacrity of rejection peculiar to that body when acting for evil. He should not have risen if the noble Lord had not spoken; but he had now declared his mind freely. This Bill, if passed, might conciliate the people of Ireland. It contained a principle which was valuable; the principle of appropriation, which, if honestly and justly applied, might put an end to that spirit of ascendancy which was originated in crime and maintained in blood. Yes, it might have that effect; but he despaired of its being allowed to pass. He was ready now to give his utmost aid in carrying it into effect; but he would not promise to do so next year.

Mr. *Shaw* said, that there appeared, on the part of the House, so general a desire to divide, that after having risen, he had again resumed his seat; but as he saw the noble Lord opposite (Lord John Russell) intended to speak before the division, he (Mr. Shaw), making every allowance for the exhausted state of the House and the subject, would say a very few words in answer to the small portion of the speech of the hon. and learned Gentleman (Mr. O'Connell) which bore upon the question before them. He would endeavour to abstain from the violence of language and manner which characterised that speech. He would not attempt to defend the noble Lord (Lord Stanley) who sat near him, from the virulent personal attack the hon. and learned Gentleman had made upon that noble Lord; it was, indeed, easy to conceive that the noble Lord entertained a sense of high, and noble, and generous friendship of which the hon. and learned Gentleman could form no just idea; and the noble Lord could bear up against the lesson the hon. and learned Gentleman had read him on vulgarity, while the hon. and learned Gentleman illustrated his own estimate of good breeding, by comparing the countenance of the noble Lord to a tin plate upon a coffin. But as to the only two points of the speech of the hon. and learned Gentleman which touched upon the present debate—his letter, referred to by the noble Lord, and the Amendments the hon. and learned Gentleman had proposed to the Bill proposed by Lord Hatherton, when he was Secretary for Ireland. First, with respect to the letter, the hon. and learned Gentleman asked the noble Lord was there logic or Protestantism in maintaining a Protestant Establishment in a parish where the majority of the people were Roman Catholic?—but the hon. and learned Gentleman did not venture to deny the just inference of the noble Lord from such an argument as that—that the present Bill, which the Government professed to support, on the ground of its giving permanency to the established Church in Ireland, could never be satisfactory to the hon. and learned Gentleman, and those with whom he acted, upon any other principle than as being a first step to the consummation they so devoutly laboured for, and nothing short of which would satisfy them—the entire annihilation of the Protestant Establishment in Ireland. Then with regard to the Bill which the hon. and learned Gentleman properly denominated his Bill, he maintained that that Bill did, in substance, if not in form, contain an Appropriation Clause, for it took forty per cent. from the permanent property of the Church and gave it to the landed interest, at the same time also making a present advance to the clergy out of the Perpetuity Purchase Fund —the hon. and learned Gentleman thus offering a part of the spoils to each of those whom he invited to become parties to the spoliation; but they indignantly rejected the proposition; and what was the hon. Gentleman's subsequent comment upon it—that all he had meant in destroying the Protestant Church was, "to make two bites of the cherry." It was quite contrary to the fact, as stated on the other side, that the friends of the Church had never proposed plans for its improvement, until the question of appropriation had been raised. His right hon. Friend on his right (Mr. Goulburn), and many other friends of the Church, had introduced various improvements into the tithe system, and into the Church itself. He must, before sitting down, deny the statement of the hon. Member for Tipperary, that the voice of the people of England was in favour of that measure; where did the hon. Gentleman find that voice? Was it in Devonshire? in Staffordshire? in Northamptonshire? or more recently in Warwickshire? No. And he was confident that the noble Lord opposite would not find it that night in the votes of the people of England's representatives. The English were a practical people; they would not be satisfied that the time of the House and the country was taken up with discussing the abstract principle of a non-existing surplus, in legislating upon a mere hypothesis; with that House practising a wilful delusion, while they neglected the settlement of the great and important question of tithe property and church improvement, to which the friends of the Irish Church were ready to assent; but the truth was, this Bill went to form, not to dissolve unions—to create, not to abolish pluralities—to prevent, instead of enforcing residence; and, so far from encouraging the working clergy, it was to take from them the means of their employment and subsistence. He entreated the noble Lord to lay aside for separate consideration this appropriation clause, which the noble Lord well knew had served the purpose for which it was originally introduced, and set himself and the Government in good earnest, and in conjunction with the friends of the Church, to the equitable adjustment of the important question of tithe property, which the noble Lord, the Secretary for Ireland, had described as so necessary for the peace and tranquillity of that country.

Lord *John Russell* spoke to the following effect: Although most unwilling, after so many debates upon this subject, and at this time of the evening, when the House is desirous to come to a division, to prolong the debate; yet I submit to the House, that the grave and serious charges, involving the honour and character of the Administration, which have been made by the noble Lord, make it impossible for me not to trespass upon its attention. When I put it to the Chair, whether the noble Lord, in urging such charges, was acting according to the orders of the House, I was told, that it was difficult to hold to the strict line of order, but that the Chairman took it for granted that an opportunity for a reply to those charges would be given. Now, Sir, it is in conformity with that opinion stated by the Chair, and in which I think the justice of the House will acquiesce, that I venture to implore your attention, while I give some reply to the charges which, as I have already said, although I might have expected them from others, although I should have little attended to them from the mouth of the right hon. Gentleman who has just down; yet, coming from the quarter that they came from, and surprising me as they do coming from that quarter, I cannot consistently, with the respect I owe my own character, omit to notice. Sir, the amount of the charge, as stated by the noble Lord, and as re-asserted in a different form by the right hon. Gentleman, is this, that upon the question now under consideration we have been driven by others, that we have been controlled by others, and, finally, that this clause has been introduced for some purpose, which purpose, as it has been sometimes expressed, and as it was clearly indicated throughout the speech of the noble Lord, was that of introducing a question on which we had no settled opinion, with the view of defeating the Ministry of the right hon. Gentleman opposite. I am obliged, therefore, to ask the attention of the House while I most unwillingly refer to something which passed when the noble Lord (Lord Stanley) and myself were colleagues together, and which at this distance of time, and after the noble Lord's attack, I feel myself at liberty to speak of. When the noble Lord and I were colleagues in 1832, the noble Lord stated in this House, the opinion which he has since so frequently and so consistently stated with respect to the Irish Church. I stated, on the other hand, that that Church was too great, not only for religious purposes, and for instructing the flock committed to it, but that it was too large for its own stability. At the latter end of 1832 or in 1833, a plan was prepared for the consideration of the Cabinet of that day, in accordance with the views of the noble Lord, but containing no appropriation for the benefit of the great mass of the people of Ireland. I did not conceal from that Cabinet; above all, I did not conceal from the head of that Cabinet, nor from the noble Lord, my decided opinion, that some part of the revenues of the Church of Ireland ought to be devoted to purposes of instruction, in which Roman Catholics might participate. Sir, the noble Lord who now charges me with being driven into this opinion, and who countenances and abets in this House the charge that we are basely endeavouring to retain office by means of upholding an opinion which is not ours, but which was forced on us by others, that noble Lord has heard from me, as his Colleague, sentiments as decided—if possible, more decided—than those which I have at any time uttered in this House upon the subject. I committed those opinions and sentiments to writing, in the form of a letter to Lord Grey, with which I intended to accompany my resignation of office; but I found that my resignation would have brought on, in a very short time, as he assured me, the resignation of Lord Althorp, who was then the leader of the Ministerial party in this House, and might ultimately have broken up the Cabinet. I was told by a Colleague whom I esteemed, and with whom I have the honour now to sit in the Cabinet, that the breaking up of the Ministry at such a time, just after the passing of the Reform Bill, when the party of the right hon. Gentleman opposite was so diminished, and when the country considered that the Government could only be conducted by Earl Grey—I was told that I should be taking upon myself a very awful responsibility, and that it might be the means of preventing the settlement of quiet and good Government in this country. I yielded to these opinions, but I did not yield to them without informing the noble Lord, the Member for Lancashire, that, although I agreed to support the Bill of which he was the author, and though I agreed not to divide against any clause in the Bill, yet that I maintained my own opinions; and that I considered the Bill as only the commencement of reforms and changes which I wished to introduce, and that, when that change was completed, and when Parliament should have given its assent to that Act, I should consider myself at liberty to bring forward and support the principle of which I had been, with others, the advocate in the Cabinet. What was that principle? the very principle which the noble Lord now spoke of, as if it were an opinion taken up by me yesterday or to-day at the dictation of others. Well, Sir, I believe I shall not be contradicted either by the noble Lord or by my right hon. Friend, the Member for Cumberland, when I say, that I did support that Bill heartily and effectively in this House. Indeed, my right hon. Friend, the Member for Cumberland, quoted some passage out of the speech which I then delivered, while speaking upon the 147th Clause, to show that the opinion which I entertained at that time, and which I believe at the present time, was correct, that it would not be for the advantage of the country at that moment to create a division and break up the Cabinet on the question of appropriation, but that it would be better to carry the measure, then under discussion, without mixing up that question with it. As soon as that Bill had passed, I remember—I know not whether my right hon. Friend, the Member for Cumberland, will recollect it, but if he has any recollection of the circumstance he will confirm me in it—that I told him that my opinion was the same as ever, and I begged him to inform the noble Lord, the Member for Lancashire of it, if he thought fit; but, at all events, I desired him to receive it for his own information, that I considered myself at liberty at any time to moot in the cabinet and in Parliament that question, namely, the question of appropriation of Church revenue to purposes not now strictly called ecclesiastical. Well, Sir, in the course of the following year that question came to be a matter of discussion, and I was ready at the time, as far as I could, to defer for one year that division in the Cabinet which was evidently approaching, but I declared, and that openly, in my place in this House, that if ever there was a just complaint of a people, it was the complaint of the people of Ireland against the appropriation of the Church revenues, and that if it caused me to make the sacrifice of parting from those with whom I was united in affection and respect, yet I thought the cause was so mighty and important a one that I should not hesitate to make that sacrifice. The opinion of the majority of that Cabinet was in favour of the opinion which I professed, and the noble Lord, with three of my other Colleagues, retired from office upon that very question, it being distinctly understood what was his opinion, on the one hand, and what was our opinion on the other. And, Sir, the House, I hope, will forgive me, after words used by me having been quoted, and opinions attributed to me from a misapprehension of those words, if I quote some observations which I made that very Session. I said, "after having declared against the establishment of the Roman Catholic religion in Ireland, I at the same time see nothing inconsistent or wrong in the appropriation of a part of any surplus of the Church revenues to the purposes of education, which, while it is a religious and moral education, shall also be of such a nature as will allow Roman Catholics as well as Protestants to partake of it equally." That is the opinion given by me on 23rd of June, 1834.* In the course of the same autumn the right hon. Baronet opposite came into power, and he, instead of declaring that he was ready, as we were, to consider that question, and to avow that there was nothing wrong in such an appropriation, declared directly that the principle of his Government was to resist such an appropriation. I found myself compelled then, as I had maintained that principle in the Cabinet of Lord Grey, and as I had declared in this House, that we would not go on another year, without asserting it in Parliament, when I was asked whether the questions of the Irish Church and of the Irish tithes were for ever to remain unsettled. I felt myself compelled, in conformity with the opinions I had already expressed, to declare that principle in the House, and to move that the House should agree to a resolution upon the subject. During a great part of the time that I have just gone over, the hon. and learned Gentleman, the Member for Kilkenny, was in opposition to the Government. In 1834 he was very much opposed to the Government, declaring his mistrust of our intentions. At a later period, indeed, when I brought the question forward, he, of course, seeing the resolution was in conformity with his own views, supported it. And now I ask the House, such having been my opinion for so long a time, both in the Cabinet and in the House, whether the imputation of the noble Lord can be well founded which has been thrown upon us? And, above all, I will ask whether, although it might be repeated as a useful cry by some of the retainers of the party of which the right hon. Gentleman, the Member for Tamworth, is the head, whether, if among the cries, the imputations, and the calumnies of party, it was unavoidable that such calumnies should be used, still I ask the House, and I ask it with all solemnity, whether the noble Lord, the Member for Lancashire, ought to be the person to use it? The noble Lord says, that the hon. and learned Member for Kilkenny has written a letter, in which he declares that he will not pay, and never will be satisfied while he is required to pay tithes, and he proceeds to quote other opinions of the hon. and learned Member. Sir, that hon. and learned Gentleman, in the exercise of his own judgment, and in his own view of what is best for Ireland, has supported the present Government. The present Government has received from him undoubtedly strong, and, I must say, very fair, and honourable support. But I never found that the hon. and learned Member for Kilkenny ever gave up or at all renounced any one of his opinions upon the many subjects which have engaged his attention—opinions varying from ours, and which he carried to a much greater extent than we have ever been inclined to go, calling for Reforms not only with respect to the Irish Church, not only with respect to Irish tithes, but with respect to many questions relating to the domestic policy of this country. But, Sir, if the hon. and learned Member has not given up, or retracted, or swerved from his opinions, I think I may say that upon this subject, at least, we neither have changed our opinions. I ask you to look at the votes which we have given during this and the past year, and I will ask whether those votes have not been in conformity with the principles which we have always professed, and whether we have altered, or bent and retracted those opinions in order to make them conformable to those of the hon. and learned Member? Sir, my present opinions upon the Irish Church are the opinions which I have long held as an individual; the opinions which my Colleagues hold are those which they have held as individuals, and upon which they thought that some settlement of this question might be obtained. After all, this imputation, however much it may serve to round a period, and create a cheer in the debate—and no doubt this imputation has been framed for some such purpose—is directly contrary to every man's experience in this House who has had a seat in it during the last four years. I say it is so contrary to all the experience of the House, that I own, I do wonder, although the retainers of the party may be permitted now and then to utter it, that any of the more respectable among them should be induced to give utterance to a charge so altogether devoid of any foundation in fact and in truth. The noble Lord has asked me to look at the last majority on this question, and to analyse that majority, and see if I shall not find many persons in it who wish to destroy the Church of Ireland, and to carry measures much further than I do. I might ask the noble Lord to look back to the majorities upon the Reform Bill, and upon many other Bills, in which he concurred, and he will find men of various opinions concurring with him. Let him look upon the majority when the Reform Bill was first brought forward, and lost by one vote. Were there not in that majority advocates of universal suffrage, and many who called for far more extensive changes than that which we advocated? Did this circumstance afford any grounds why those who considered the measure calculated to benefit the country should not bring it forward at all, or having passed it, should not abide by it? My opinion is, that the present measure, if passed, gives a fair prospect of the settlement of the question; and upon this point I must refer to what I have been told is a more correct representation of what fell from my noble Friend at the head of the Government, than has been quoted on the other side of the House. I have been informed, then, that what my noble Friend at the head of the Government, said was, that though the measure of last year might be felt as a severe blow, or severe shock, by the Protestants of Ireland, yet that he considered that there could not be framed a measure which would more firmly secure the Church of Ireland, and that at all events the Church would be thereby rendered far more secure than by letting the question alone. Such are the sentiments which fell from my noble Friend at the head of the Government. With respect to this present measure itself, without going back to the subject of former debates, I must say a few words both as to the representations which have been given of the opinions of this House upon this subject, and as to the actual state in which this Bill will leave the Church in Ireland. It was stated, that, in the course of the last debate, I said that the purpose of a Church Establishment was not to propagate a doctrine, but to instruct a people, and it had been inferred, unjustly, that I disconnected from the objects and business of the Established Church in Ireland the promulgation of its doctrines. What I said, however, agrees fully with the opinions of Paley, and neither Paley nor any other man would say that it was not the duty of a minister to propagate the doctrines of his Church. The object was so to instruct the people as to have them versed in the doctrines of religion and of morality, and to take care that that instruction is given in the best possible manner. The hon. Member for Bradford said, in the early part of the debate that it is the duty of the State to have Protestant ministers, not only over Protestant flocks, but over Roman Catholic flocks, in order to teach them to become Protestants. This, no doubt, is a very laudable desire on the hon. Member's part; but the question is, how did the hon. Member propose to carry it into practical effect? Suppose that some reverend Protestant clergyman, learned and pious, and of sound doctrine, were set over a parish composed of 10,000 Roman Catholics and five Protestants, in what way would this Protestant clergyman contrive effectually to instruct the 10,000 Roman Catholics in his religious doctrines? It might be suggested, that the Roman Catholics should be forced, *vi et armis*, to go to church, and that tithes should be collected at the edge of the sword; but neither of these proceedings would be effectual in compelling the six millions of Roman Catholics in Ireland to receive the Protestant doctrines contrary to their faith. It is of no use merely to have a Protestant Establishment in Ireland. What I wish, and what I think others ought to wish, is to diffuse through that country a system of instruction, not limited to Protestant instruction, but which should partake of the common doctrines of Christianity—love to one's neighbour, charity to all men —the great and sublime doctrines in which the Roman Catholic was of one mind with us. Such a course of proceeding would best tend to the promotion of the true religion. Let every man, whether Protestant or Catholic, be well instructed, and thoroughly grounded in the great moral principle acknowledged by both faiths; and he would be a better man and a better subject than the man who was left without instruction, be he of what persuasion he may. It has been said, that in order to effect the object in view, that we are about to dispose of the Protestant Church. I have never used, in reference to that Church, the sort of language which has been used in reference to it by an hon. Gentleman who has taken a very different tone in this night's debate. I have never said, as the hon. Member for Belfast once said, that "the Irish Church exhibited a pampered prelacy and a domineering Church Establishment." I have never used language such as this, which I must say is justly offensive to that Church; but, at the same time, I am not prepared, like the hon. Member, suddenly to shift and veer directly round in my opinions upon the subject. At this late hour of the night it is not my intention to carry the House into questions of figures, but in reference to some of the general results, I may describe in what state this plundering and spoliating measure left the Church of Ireland. These same words, plunder and spoliation, though applied by a Bishop in a visitation, a charge to the clergy of Exeter; and re-echoed by the noble Member for Lancashire, are indeed somewhat outrageous phrases, but they do not frighten Ministers from their well-considered purpose—and will not, I think, weigh much with the House when I place before it the state of the Irish Church as it will be when thus plundered and spoliated. There will be, under the Bill, two archbishops, having between them 17,780*l.*, or 8,890*l.* each. There are to be ten bishops, having between them 49,587*l.* The noble Lord, the Member for Lancashire, it will be recollected, when he brought forward his Church Temporalities' Bill, stated that the Bishop of one diocese in England had more benefices under his care than the whole of the bishops of the Church of Ireland. By the present Bill, the bishops will have on an average almost 5,000*l.* The Bill also leaves to the dignitaries and prebends 11,042*l.*, to the minor canons and vicars-choral 14,824*l.*, to the parochial clergy, in number 1,251, 368,350*l.*, to the curates, in number 241, 18,075*l.*, to vestry cess, and repair of churches, 60,000*l.*, to building new churches 20,000*l.*, to building glebe houses 10,000*l.*, ecclesiastical commissioners, &c., 14.000*l.*, making a total of 618,288*l.* for a Church Establishment of 805,000 persons, in a country where the whole of the inhabitants are not less than 8,000,000. The receipt was as follows:—

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* Hansard, (Third Series) vol. xxiv. p. 801.

Net revenues arising from continuing archiepiscopal and episcopal sees	£67,367
Ditto belonging to dignities and prebends with cure ...	11,042
Ditto from minor canons and vicars'-choral estates... ...	14,324
Ditto from rent charges, glebe lands, ministers' money, and other funds of small amount	451,864
Amount of the general fund in the hands of the Ecclesiastical Commission, arising under the Church Temporalities' Act, the Act to alter and amend said Act, and the present Tithe Bill	139,140
Making a Total of ...	£683,737

There will remain, then, after providing for the Establishment in this magnificent manner, a surplus of 65,439*l.* available for the purpose of general education in Ireland. Was it too much to say, that they would indulge the wishes of the people of Ireland thus far, or that 6,500,000 of Roman Catholics should not be so total a blank as that the question of their religious instruction should be taken into account? Is it too much, then, to ask, having provided such an Establishment for Ireland, that Parliament will so far indulge the wishes of the people of Ireland, as to show them that the Roman Catholics of that country are not considered a total blank, but are taken into account in considering the important question of national education. If the sum be not a great one in amount, he conceived that he might rely upon its being gratefully accepted as a token and sign that the British Parliament took an interest in the people of Ireland. It will, above all, be favourably contrasted with the views taken by the noble Lord opposite, and others in and out of the House—views breathing insult and defiance to the great portion of the Irish people. The noble Lord has asked me to look at the majority of a former night, and has told me that on this occasion I may find it somewhat lessened. I am ready to leave it most confidently with the House to decide on which side of the question lies justice and good policy. If, however, instead of having a large majority, I should have no majority, or be left in a minority, then I will not hold myself responsible, either as a Minister of the Crown or as a Member of this House, for attempting a settlement of this question by means which it is dreadful to contemplate—by means which must inevitably be attended with bloodshed—and must array the military force of this country against a great proportion of the people of Ireland. I have no wish to take that responsibility upon myself, and will willingly leave the noble Lord to collect the tithes in that way if he desire to try it. In my opinion, the people of Ireland are not to be kept down by force, unless we mix kindness and justice with our power; and having this opinion, whether in the place in which I now stand, or elsewhere, I shall oppose any votes for the purpose of carrying on an expensive and sanguinary campaign. The right hon. Gentleman who spoke last, has entreated me not to insist upon a mere abstract principle, but I must ask the right hon. Gentleman and others, not for the sake of the people of Ireland, who are groaning under the weight of the Established Church — not for the sake of religion, for that too is suffering —not for the sake of the State, for that is also paralysed by the existing state of things—but for the sake of an abstract principle, not to continue a struggle against the wishes of the people, and to refuse to remedy that grievance which is a just cause of complaint. I leave the whole question to the decision of the House, and, whatever that decision may be, I trust, with respect to the former part of my address, that I have vindicated myself from the imputation that I incur any dishonour in bringing forward this proposition, which my Colleagues and I conceive to be for the benefit of the country and conducive to the pacification of Ireland. If the House concur with me in this opinion, they will support my proposition; but if, on the contrary, they think differently, although they will thereby retract their former opinion, they will, notwithstanding, vote against the clause.

The Committee divided—

Ayes 290; Noes 264.—Majority 26.

List of the AYES.

Acheson, Lord
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Andover, Lord
Angerstein, J.
Anson, hon. G.
Astley, Sir J.
Attwood, T.
Bagshaw, J.
Baines, E.
Baldwin, Dr.
Ball, N.
Bannerman, A.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beauclerk, Major
Bellew, R. M.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. C.
Berkeley, hon. G.
Bewes, J.
Biddulph, R.
Bish, T.
Blackburne, J.
Blake, M. J.
Blamire, W.
Blunt, Sir C.
Bodkin, J.
Bowes, J.
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Buller, E.
Buller, C.
Bulwer, E. L.
Bulwer, H. L.
Burton, H.
Butler, hon. P.
Buxton, T. F.
Byng, rt. hon. G
Callaghan, D.
Campbell, W. F.
Campbell, Sir J.
Carter, J. B.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G.
Cayley, E. S.
Chalmers, P.
Chapman, M. L.
Chichester, J. B. R.
Childers, J. W.
Clay, W.
Clayton, Sir W.
Clements, Viscount
Clive, E. B.
Cockerell, Sir C.
Codrington, Sir E.
Collier, J.
Conyngham, Lord A.
Cookes, T. H.
Cowper, hon. W.
Crawford, W.
Crawley, S.
Crompton, S.
Curties, H. B.
Curties, Captain
Dalmeny, Lord
Denison, J. E.
Denison, W.
D'Eyncourt, rt. hon. C. T.
Donkin, Sir R.
Duncombe, T.
Dundas, hon. J.
Dundas, hon. T.
Dunlop, J.
Ebrington, Lord
Elphinstone, H.
Etwall, R.
Euston, Earl of
Evans, G.
Ewart, W.
Fazakerley, J. N.
Fellowes, hon. N.
Fergus, J.
Ferguson, Sir R.
Fergusson, rt. hn. R. C.
Ferguson, R.
Fielden, J.
Finn, W. F.
Fitzgibbon, hon. R.
Fitzroy, Lord C.
Fitzsimon, C.
Fitzsimon, N.
Fort, J.
French, F.
Gaskell, D.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Grey, hon. Colonel
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, J. J.
Gully, J.
Hall, B.
Handley, H.
Hastie, A.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hodges, T. T.
Hodges, T. L.
Holland, E.
Horsman, E.
Howard, hon. E.
Howard, P. H.
Howard, R.
Howick, Lord
Hume, J.
Humphery, J.
Hurst, R. H.
Hutt, W.
Jephson, C. D. O.
Jervis, J.
Johnston, A.
Kemp, T. R.
King, E. B.

Knox, hon. J. J.
Labouchere, rt. hn. H.
Lambton, H.
Langton, G
Leader, J. T.
Lefevre, C. S.
Lennard, T. B.
Lister, E. C.
Loch, J.
Long, W.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Mackenzie, J. S.
M'Leod, R.
M'Namara, Major
M'Taggart, J.
Maher, J.
Mangles, J.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Maule, hon. F.
Methuen, P.
Molesworth, Sir W.
Morpeth, Lord
Morrison, S.
Mostyn, hon. E.
Mullins, F. W.
Murray, J. A.
Musgrave, Sir R. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, M. J.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Ferrall, R. M.
Oliphant, L.
O'Loghlen, M.
Ord, W.
Oswald, J.
Paget, F.
Palmer, General
Palmerston, Lord
Parker, J.
Parrott, J.
Pattison, J.
Pease, J.
Pelham, hon. C. A.
Pendarves, E. W. W.
Philips, G. R.
Philips, M.
Ponsonby, hon. W.
Ponsonby, hon. J.
Potter, R.
Poulter, J. S.
Power, J.
Price, Sir R.
Pryse, P.
Pusey, P.
Ramsbottom, J.
Rice, rt. hon. T. S.
Rippon, C.
Robarts, A. W.
Robinson, G. R.
Roche, W.
Roche, D.
Rolfe, Sir R. M.
Rooper, J. B.
Rundle, J.
Russell, Lord
Russell, Lord J.
Russell, Lord C.
Ruthven, E.
Sanford, E. A.
Scholefield, J.
Scott, J. W.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, R. L.
Simeon, Sir R.
Smith, B.
Smith, J. A.
Smith, R. V.
Smith, hon. R.
Stanley, hon. H. T.
Steuart, R.
Stewart, P. M.
Strickland, Sir G.
Strutt, E.
Stuart, Lord D.
Stuart, Lord J.
Stuart, W. V.
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thompson, Colonel
Thomson, rt. hn. C. P.
Thornely, T.
Tooke, W.
Tracy, C. H.
Trelawney, Sir S.
Troubridge, Sir E. T.
Tulk, C. A.
Tynte, C. J. K.
Verney, Sir H.
Villiers, C. P.
Vivian, Major
Vivian, J. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wason, R.
Westenra, hon. H. R.
Westenra, hon. Col.
Whalley, Sir S.
Wigney, I. N.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Wilks, J.
Williams W.
Williams, Sir J.
Williams, W. A.
Williamson, Sir H.
Wilson, H.
Winnington, Capt.
Wood, M.
Wood, C.
Woulfe, Sergeant
Wrightson, W. B.
Wrottesley, Sir J.
Wyse, T.
Young, G. F.

TELLER.

Stanley, E. J.

List of the NOES.

Agnew, Sir A.
Alsager, Captain
Arbuthnot, hon. Gen.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Baillie, Colonel
Balfour, T.
Barclay, C.
Baring, T.
Baring, H.
Baring, hon. W. B.
Baring, hon. F.
Bateson, Sir R.
Beckett, rt. hn. Sir J.
Bell, M.
Benett, J.
Bentinck, Lord G.
Beresford, Sir J. P.
Bethell, R.
Blackburne, J. I.
Blackstone, W. S.
Boldero, Captain
Bolling, W.
Bonham, F. R.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Brownrigg, J. S.
Bruce, Lord E.
Brudenell, Lord
Bruen, Colonel
Bruen, F.
Buller, Sir J.
Burrell, Sir C.
Calcraft, J. H.
Campbell, Sir H. P.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Castlereagh, Viscount
Chandos, Marquess of
Chaplin, Lieut.-Col.
Chapman, A.
Chichester, A.
Chisholm, A.
Clive, Viscount
Clive, hon. B.
Codrington, C. W.
Cole, Lord
Cole, hon. A.
Compton, H. C.
Coote, Sir C.
Copeland, W. T.
Corbett, T. G.
Corry, rt. hon. H.
Dalbiac, Sir C.
Darlington, Earl of
Dick, Q.
Dotten, A. R.
Dowdeswell, W.
Duffield, T.
Dugdale, W S
Dunbar, G.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, Lord F.
Egerton, Sir P.
Egerton, W. T.
Elley, Sir J.
Elwes, J. P.
Entwistle, J.
Estcourt, T. G. B.
Estcourt, T. S. B.
Fancourt, Major
Ferguson, Captain
Ferguson, Sir R. A.
Feilden, W.
Finch, G.
Fleetwood, P. H.
Fleming, J.
Follett, Sir W.
Forbes, W.
Forrester, hon. C.
Forster, C.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Geary, Sir W.
Gladstone, T.
Gladstone, W. E.
Glynne, Sir S.
Goodricke, Sir F.
Gordon, hon. W.
Gore, W. O.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, right hon. Sir J.
Greene, T.
Gresley, Sir R.
Grimston, Viscount
Grimston, hon. E.
Hale, R. B.
Halford, H.
Halse, J.
Hamilton, Lord C.
Hamilton, G. A.
Hanmer, Sir J.
Harcourt, G. V.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawkes, T.
Hay, Sir J.
Hayes, Sir E.
Henniker, Lord
Herbert, hon. S.

Herries, rt. hon. J. C.
Hill, Lord A.
Hill, Sir R.
Hogg, J. W.
Hope, hon. J.
Hope, H. T.
Hotham, Lord
Houldsworth, T
Hoy, J. B.
Hughes, H.
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
Jermyn, Earl
Johnstone, Sir J.
Johnstone, J. J. H.
Jones, Captain
Jones, W.
Kearsley, J. H.
Kerr, D.
Kerrison, Sir E.
Kirk, P.
Knight, H. G.
Knatchbull, right. hon. Sir E.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Lefroy, rt. hon. T.
Lefroy, A.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lewis, W.
Lewis, D.
Lincoln, Earl of
Longfield, R.
Lowther, Lord
Lowther, hon. H.
Lowther, J. H.
Lushington, hon. S.R.
Lygon, hon. Colonel
Mackinnon, W. A.
Maclean, D.
Mahon, Lord
Manners, Lord C. S.
Marsland, T.
Martin, J.
Mathew, Captain
Meynell, Captain
Miles, P. J.
Millar, W. H.
Mordaunt, Sir J.
Morgan, C. M.
Neeld, Joseph
Neeld, John
Nicholl, Dr.
Norreys, Lord
North, F.
Owen, Sir J.
Owen, H. O.
Packe, C. W.
Palmer, R.
Palmer, G.
Parker, M. E.
Parry, Sir L. P. J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, Colonel
Pemberton, Thomas
Penruddocke, J. H.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Plunket, hon. R. E.
Polhill, Captain
Pollen, Sir J. W.
Pollington, Lord
Pollock, Sir F.
Powell, Colonel
Poyntz, W. S.
Praed, W. M.
Praed, J. B.
Price, S. G.
Price, R.
Pringle, A.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, J.
Richards, R.
Rickford, W.
Ross, C.
Rushbrooke, Colonel
Russell, C.
Ryle, J.
Sanderson, R.
Sandon, Lord
Scarlett, hon. R.
Scott, Lord J.
Scott, Sir E. D.
Scourfield, W. H.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, J.
Sibthorp, Colonel
Smith, A.
Smith, T. A.
Smyth, Sir H.
Somerset, Lord E.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, Lord
Stanley, E.
Stewart, Sir M. S.
Stormont, Lord
Sturt, H. C.
Tennent, J. E.
Thomas, Lieut.-Col.
Thompson, W.
Tollemache, hon. A.
Townsend, Lord J.
Trench, Sir F.
Trevor, hon. G. R.
Trevor, hon. A.
Twiss, H.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Vesey, hon. T.
Vivian, J. E.
Vyvyan, Sir R.
Wall, C. B.
Walpole, Lord
Walter, J.
Welby, G. E.
Weyland, Major
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel
Wortley, hon. J. S.
Wyndham, W.
Yorke, hon. E.
Young, Sir W.

TELLER.

Clerk, Sir G.

Paired off.

FOR.	AGAINST.
Belfast, Earl	Alford, Lord
Burdon, W.	Barneby, J.
Churchill, Lord C.	Bruce, C. L. C.
Colborne, N. W. R.	Conolly, Colonel
Divett, E.	Cooper, E. J.
Dobbin, L.	Crewe, Sir G.
Folkes, Sir W.	Cripps, J.
Gisborne, T.	Davenport, J.
Hallyburton, hn. D. G.	Duncombe, hon. W.
Hoskins, K.	Grant, hon. Colonel
Kerry, Earl of	Greville, hon. Sir C.
Lee, J. L.	Lees, J. F.
Martin, T.	Lopes, Sir R.
O'Brien, C.	Lucas, E.
O'Connell, M.	Mandeville, Lord
O'Connor, Don	Maunsell, T. P.
Parnell, rt. hn. Sir H.	Maxwell, H.
Pechell, Captain	Maxwell, J.
Phillipps, C. M.	O'Neill, hon. Gen.
Pryme, G.	Ossulston, Lord
Spiers, A.	Peel, rt. hn. W.
Turner, W.	Peel, E.
Tynte, Colonel	Sinclair, Sir G.
Wemyss, Captain	West, J. B.
White, S.	Wynn, Sir W.
Winnington, Sir T.	Wynn, rt. hon. C. W.

The clause was accordingly agreed to.

The House resumed, and the Chairman reported progress and obtained leave to sit again.

The other orders of the day were then disposed of, and the House adjourned.

HOUSE OF LORDS,

Tuesday, July 5, 1836.

MINUTES.] Bills. Read a third time:—Petty Sessions (Ireland).—Read a second time:—Horse Patrol; Blackheath Small Debts; Westminster Small Debts; Liverpool Court of Requests.

Petitions presented. By Lord KENYON, from St. Michael, Derby, for a Better Observance of the Sabbath; from Norwich, for the Repeal of Poor-Law Amendment Act; and from Marylebone, against the Registration of Births' Bill.—By the Marquess of HUNTLEY, from Inverness, against the Universities' (Scotland) Bill.—By the Earl of HADDINGTON, from Edinburgh, against the Heriots' Hospital Bill.—By Lord FITZGERALD and VESCI, from St. George, Dublin, against the Municipal Corporations (Ireland) Bill.

HOUSE OF COMMONS,

Tuesday, July 5, 1836.

MINUTES.] Bills. Read a second time:—County Election Polls; Sale of Bread; Relief Entail; Valuation (Ireland). Read a first time:—Arms (Ireland); Turnpike Road (Ireland).

Petitions presented. By Mr. AGLIONBY, from Nairn, for

Repeal of Duty on Newspapers.—By Mr. Chisholm, from Grangemouth, for Spirit Licenses' (Scotland); and Spirituous Liquors' Sale Bills.—By Mr. Lawson and Mr. Wilson Patten, from several Places, against Turnpike Trust' Consolidation Bill.—By several Hon. Members, from various Places, that Instructions may be given to the Committee of Joint-Stock Banks, to require Returns of their Liabilities and Assets.—By Mr. Lawson, from Knaresborough, against Ecclesiastical Courts' Bill.—By Mr. Bailey, from Winchester, against Charitable Trustees' Bill.—By Mr. Mark Phillips, from Manchester and Salfourd, for Equalization of East and West India produce; and for Repeal of Duty on Receipt Stamps.—By Mr. East, from the Members of the Chapter Cathedral Church, Winchester, against Benefices Pluralities' Bill.—By Mr. Chisholm and Sir G. Clerk, from various Places, against Municipal Corporations' Act (Scotland) Amendment Bill.—By the Chancellor of the Exchequer, from Limerick, against assimilating the Duty on Newspapers Ireland to that of England.—By Mr. Bramston, from the Medical Profession, Chelmsford, complaining of inadequate Remuneration; and from Essex, for Removal of Restrictions on the Manufacture of Malt.—By Mr. Aglionby, from Kendal, for the House to adhere to the Irish Municipal Corporation Bill as originally passed by them.

Van Dieman's Land.] Mr. *Henry Bulwer* alluded to the promised measure relating to the Legislature for New South Wales and Van Dieman's Land, and asked whether it was intended to bring it in this Session. He was by no means anxious to press on too early a discussion, as the importance of the subject demanded the most serious attention of Government. He also wished to put a question respecting grants of land in those colonies. It was well known that grants had formerly been made freely to any persons who wished to reside; but it was afterwards settled that land should be sold, and the funds devoted to the promotion of emigration. Since that date two sums out of that fund, viz., 20,000*l.* and 45,000*l.*, had been applied to gaols and police, and he wished to know whether this was the proper fund to be resorted to for such a purpose?

Sir *George Grey* said, it had been intended to bring in a Bill to regulate the legislation of New South Wales, but subsequent intelligence from the colony had rendered it necessary to take the question into further consideration. It was impossible at this period of the Session to introduce a measure of the kind, but application would be made to continue the present Act for one year, under the distinct pledge that the new Bill should not be deferred beyond next year. As to his second question, the hon. Member was not quite correctly informed; the expenses of the gaol and police had amounted to the sum stated, but it had not been charged exclusively upon the emigration fund. He could give no further answer at present, but he might add, that it was the desire of Government to promote as much as possible emigration to the colony.

Subject dropped.

Slave Trade.] Mr. *Fowell Buxton* urged that the interests of the natives ought not to be neglected. Perhaps it would save the House the trouble of going into the motion of which he had given notice for to-night, if he took this occasion to ask a question of the noble Lord, the Secretary of Foreign Affairs; it was, whether it was true that a treaty was now pending with Portugal for the purpose of suppressing the slave-trade?

Viscount *Palmerston* certainly concurred with those who thought that if there were no rational prospect of obtaining from Portugal ampler means, by treaty, for putting an end to the slave-trade carried on under her flag, the British Government would have just ground of complaint; because Great Britain had paid to Portugal a very large sum on a distinct understanding that the slave-trade should be terminated in all parts of her dominions. But he had great satisfaction in informing the House that the negotiations for a new and ample treaty with Portugal for the suppression of the slave-trade, had been brought to such a point that there remained only one, and that a collateral question between the two Governments. His Lordship trusted that the same spirit of good faith which had induced the Court of Lisbon to agree to the rest of the treaty, would also lead it to concur in the point to which he referred, and he was in daily expectation of receiving from the British Minister in Portugal official intelligence of the completion of the treaty.

Mr. *Fowell Buxton* added, that if the remaining question respected the conveyance and removal of slaves in the capacity of servants, he hoped that the British Government would not yield the point, as it would open the door to frauds of every kind. Certain islands in the possession of the Portuguese were at present nests of slave-traders. He begged to know from the President of the Board of Control whether there was any objection to lay upon the table a copy of the despatch sent by the Directors of the India Company to Calcutta, dated Feb. 20, 1833.

Sir *John Hobhouse* replied, that he should prefer not laying it upon the table.

A motion for its production had been made in the Court of Proprietors, and there it was, and there the hon. Member, if he thought fit, might consult it. If the hon. Member wanted any assurance on the subject, he (Sir J. C. Hobhouse) had no objection to say, that unless that despatch were properly acted upon, it would be his duty to urge the adoption of such measures as might seem necessary.

WAR IN SPAIN—GENERAL ORDER.] Sir *Robert Peel* wished to put a question to the noble Lord opposite respecting a document which appeared yesterday, and was repeated to-day, in the newspapers. It was an order, bearing the signature of the officer in command of the British auxiliary force in Spain. It had some external marks of authenticity, but the internal evidence seemed to prove that it was a fabrication. This general order professed to state that, as the auxiliary legion was acting with the British naval force belonging to his Majesty, on that account all British subjects found in the service of Don Carlos would be treated as rebels punishable with death, and would be dealt with according to law. He presumed that such a document could not be authentic; but as it was in general circulation, and as the noble Lord was possibly in possession of information enabling him to pronounce it genuine or spurious, perhaps he would think it important to do so, and would be glad of the earliest opportunity of adverting to it.

Viscount *Palmerston:* The right hon. Baronet must be aware that the question related to the acts of an officer not in the British service, nor under the orders of the British Government, for whose acts the British Government could not be responsible, and regarding which they could have no official cognizance. He had seen the order referred to by the right hon. Baronet, and if he were asked as an individual, and not as a Minister of the Crown, in which capacity he had no information to give, he felt bound to say that he believed an order to the effect stated had been issued. He had been asked the question, and he had answered it, and it was unnecessary perhaps for him to add, that any order issued by a general in the Spanish service could not be considered an interpretation of the laws of Great Britain.

Lord *Mahon* wished to put one very plain question to the noble Lord. Was Great Britain at peace or at war? That was a very plain question, and he thought it must be a very tortuous policy not to give a plain answer to it.

The Speaker reminded the noble Lord that in putting a question he had no right to enter into an argument.

Viscount *Palmerston*: the noble Lord, in putting his plain question, need not have gone into any argument on tortuous policy. He had asked whether Great Britain was at peace or war? His answer was, that Great Britain had signed a treaty with Spain, under which she was bound to give to the Queen of Spain the co-operation of a naval force, if necessary, and the British Government was executing fully and efficiently the tenor of the obligation.

An *Hon. Member* begged to know for what purpose a detachment of sappers and miners had been embarked on the river Thames? If they were destined for Spain, perhaps the noble Lord would point out the clause of the treaty which justified such a proceeding.

Lord *Palmerston* answered, that Lord John Hay had represented that such a force was necessary, in order to secure his anchorage, and to throw up works for the protection of his Majesty's ships, an undertaking he had not been able to complete with the men under his command. An officer and a certain number of sappers and miners had therefore been directed to proceed to Spain to act under the orders of Lord John Hay, in order to assist him in his necessary operations.

FEMALE EMIGRATION.] Mr. *Walter* said, that he should avail himself of the opportunity which was afforded him by the conversation that had occurred with reference to Van Dieman's Land, to bring under the notice of the House a subject which appeared to him to be of considerable importance. Perceiving very recently a large placard, of which he held a copy in his hand, exhibited in the window of a country post-office, he inquired how it came there, and was shown a letter from the Secretary of the Post-office in London, directing the postmaster to place one of the accompanying notices relating to female emigration in a conspicuous part of the window, to keep it so exhibited till the vessel alluded to should sail, and to distribute copies of the placard among the clergy and parish officers. The placard invited single women and widows of good character, between fifteen and thirty years of age, to quit their homes by a ship which was to sail in the month of September, for Van Dieman's Land, under an assurance, which he thought was of no very moral or delicate character, that young women were much wanted in the colony [*a laugh*], inasmuch as the number of such compared with the whole population was greatly deficient, and where consequently all who conducted themselves with discretion and industry might calculate in time to benefit their condition very importantly. A large proportion of those who were already gone out were stated to have married respectable settlers.

The *Speaker* interrupted the hon. Gentleman by stating, that it was quite competent for hon. Members to put a question, but not to follow it up by reasons and explanations. Such a course, on account of interfering with the business of the House, must necessarily be looked upon as irregular.

Mr. *Walter* said, that he merely wished to take that opportunity of stating some facts which had been communicated to him. If he could only then be permitted to put a question, he would ask the hon. Under-Secretary for the Colonies, whether the document had been circulated with his authority? Perhaps he ought to explain his reasons for putting the question.

Sir *George Grey* replied, that had the hon. Member given him notice he could perhaps have made a more direct answer. He believed that the letter and placard had no official character, but that they emanated from some very benevolent gentleman, who wished to send out females to the colony, and who had devoted much valuable time to the subject, although not a few were engaged in active professions. Certainly they did not deserve that any ridicule should be cast upon their endeavours. If the hon. Member for Berks wished for farther information, he might probably obtain it from the hon. Member for Chichester, who was one of the most energetic promoters of the undertaking.

Subject dropped.

MILITARY ATTENDANCE AT RELIGIOUS CEREMONIES—CAPTAIN AITCHESON.] Mr. *Plumptre* (on the Order of the Day having been moved for the Committee on the Irish Church Bill) said, he was anxious to bring the subject of which he had given notice under the consideration of the House. In doing so it could not be necessary for him to trouble the House with many remarks of his own, but he feared he must trespass on the attention of the hon. Members for a short time, while he read some letters and other documents relating to those religious ceremonies to which his motion referred, and from taking part in which he sought to have our fellow subjects released. He would first draw the attention of the House to the nature of those requisitions by which our troops were called upon to take part in the religious ceremonies of the people at Malta; and he would ask whether certain expressions made use of, such as the following:—"during mass," "during the procession," "on the eve and anniversary of St. Lorenzo, the tutelar Saint of Vittoriosa," and so forth, did not most decidedly stamp the services in which our soldiers were required to assist as services of a religious, and not of a military nature? Mr. Plumptre read the following documents:—

"Chief Secretary's Office, Valetta,
14th July, 1823.

"Sir,—Application having been made to Government for salutes on Wednesday next, the 16th inst., being the festival of the Madonna del Curmina, at three quarters past eleven o'clock, a.m., during mass, and in the evening, during the procession, I am directed by his honour, the Lieutenant-Governor to request that the necessary orders may be given for carrying the same into effect as usual.

"Capt. Bayley, M.S. (Signed) H. Greig, A.C.S."

The Application remonstrated against.

"Chief Secretary's Office, Valetta,
Aug. 4th, 1823.

"Sir,—I have the honour to acquaint you that application has been made to Government for salutes, from Castle St. Angelo and St. Michael's Tower, on the 9th and 10th inst., being the eve and anniversary of St. Lorenzo, the tutelar saint of Vittoriosa.

"His honour the Lieutenant Governor has been pleased to grant salutes on the 9th inst., at noon, and on the day following, at half-past ten a.m., and in the evening, during the procession, from the Castle St. Angelo, accompanied by the tolling of the castle bell, which his honour requests you will order to be carried into effect: but the situation of St. Michael's Tower being in the vicinity of the naval arsenal his honour cannot allow of any salute being fired from that place.

"I have the honour to be, &c.

"Approved, if customary, H. Greig, A.C.S.
by order—C. Bayley, M.S.

"To the Officer commanding the Royal artillery."

Extract from the *Malta Government Gazette,* Nov. 4th, 1823, on the exaltation of the High Pontiff, Pope Leo. XII. to the chair of St. Peter:—

"During the celebration of mass, a guard of honour attended at the church, consisting of a detachment from the 80th regiment of Foot, with their band and colours, two field pieces, and a competent proportion of artillerymen. The soldiers were stationed in two lines in the centre of the church, and the guns were placed at the portal. During the chanting of the Te Deum, a royal salute of twenty-one guns was fired from the saluting battery of Fort St. Angelo, and also from the batteries of Cita Notabile."

General Orders.

"Adjutant-General's-office, Ionian Islands,
Head-quarters, Corfu, Nov. 13, 1824.

"No. II. Major-General Sir P. Ross, K.C. St. Michael and St. George, with all the officers of the garrison and departments off duty, will be pleased to meet his Excellency the Lord High Commissioner at the palace to-morrow morning at ten minutes before eleven, to attend the ceremony and procession of St. Spiridione.

(Signed) "G. Raitt, D.A.G."

Extract of a letter from an officer on the staff, June 29, 1833, describing what he had witnessed, and the part he had also been called to take in the religious ceremonies at Corfu:—

"On two occasions, during my stay at Corfu, the British troops took part in the ceremonies. On the 1st December, 1831, the body of St. Spiridione was shown in state, for what purpose I forget, but I went to see it; there was a guard of the 28th Regiment, which had to present arms at certain times, *when told by the person who kept near the subaltern for that purpose.*

"The second occasion was on Palm Sunday, 15th of April, 1832, on which I made the following memorandum:—'At eleven o'clock, Sir A. Woodford and other officers of the garrison, having assembled at the palace, proceeded to the church of St. Spiridione—whence, after some chanting, *during which Sir A. Woodford stood with a wax-taper in his hand* (the Lord High Commissioner not attending the procession, being ill, as I was told—wax candles were also distributed to as many as liked to hold them), the body of the so called saint was carried out, and a canopy being held over it, it proceeded first to the palace, round the Line-wall, *up the principal streets,* and so round to the ramparts, behind the Raimond Barracks, where we halted a few minutes, *to let the saint bless the country,* thence across the esplanade, and round by the palace, when the second salute from the battery was fired, and so back to the church. Sir A. Woodford allowed us to keep our hats on, which Sir F. Adam, had he been well, would not have permitted. Two bands attended, and a captain's guard, plenty of wax candles of immense size, banners, sick people, and children, were placed in the middle of the road for the saint to pass over. The canopy was supported by officers, or any who chose. Some of the people at the windows were weeping and crying bitterly. On the first occasion the crowd in the street was pressing forward to kiss the feet, which seemed to be of wood, and bringing children for the same purpose.'"

Extract of a letter from the Rev. G. F. Dawson, published in the *Record,* April 14th, 1834:—

"At Zante four processions occur,—1. Corpus Christi; 2. Dyonisius, the patron, who, along with St. Spiridione, *takes his turn to assist the Greek cause;* 3. That of Santi Panti, answering, I suppose, to our All Saints' day, when a picture with many hundred heads is paraded (and these saints take their turn too); 4. That of Caro-Lambo; who he is I know not, but he was burned all but his THUMB, which is paraded in a silver tumbler annually. These are the processions our officers attend at Zante. I speak on the information of a Christian, who carried candles there. On the latter occasion, the procession is made through the town to the sea, the thumb is dipped into the sea, a signal is made to the castle at the moment, a salute is fired from thence by our soldiers, and *the plague prevented from crossing the sea to the island* till the return of the same festival. Do pray draw out this to your mind; a thumb of a dead man, paraded under a canopy held by British officers, followed by the garrison and priesthood together, with lighted tapers, bareheaded, and dipped in the ocean to effect a work I have noticed, saluted by the garrison in the castle. Is this to be tolerated as attention to feelings, prejudices, habits? Can the enforcement of such a usage in Parliament be mentioned, and not be put down?

"At Santa Maura and Cephalonia, processions are carried on likewise."

Extract of a letter from India, published in the *Record* of January 18th, 1836, authenticated to the editor:—

"In order to expose the system which now obtains in this presidency (Madras), I propose at present to confine my remarks to some occurrences which have recently taken place at one of its principal stations—the site of a court of circuit, and the head-quarters of a division of the army. By his Majesty's regulations, and by the articles of war, the European troops are required to attend divine service at their respective places of worship on the Lord's Day. Yet, in direct opposition to this praiseworthy regulation, and in daring violation of the Divine command, the whole European artillery were kept from church one of the Sabbath days of Lent in firing a series of salutes in honour of a Mahometan festival. I will only add, that I am credibly informed that this subject was made the ground of presentment to the ordinary, and a representation to the government, of which no notice has up to this time been taken, or any means adopted to prevent a repetition of so extraordinary a desecration of that day; I inform you, secondly that the band of one of his Majesty's regiments, consisting with one exception, of Protestants of the Church of England, were at a latter period compelled on two occasions to attend a Roman Catholic chapel and take part in the service, especially in that part where the host is elevated. Your readers will wonder how this should be, when his Majesty's regulations so distinctly forbid a Roman Catholic soldier being ordered to attend a Protestant place of worship. They naturally argue that by a parity of reason the Protestant's conscientious scruples should be respected. The religious scruples of the Mahomedan, of the heathen or Christian idolaters, are counted sacred, or even applauded, but not so those of the Protestants."

The Hon. Member continued: Of those who took part in the ceremonies so described, some might, perhaps, deride them and treat them with utter unconcern. But if there were any of our fellow subjects to whom attendance on such occasions was really offensive, whose feelings were hurt, whose conscience was wounded; who was there that would venture to say, that the objections of such parties ought to be disregarded? Was it not greatly to be deplored, that men should be required to assist in the celebration of rites and observances, some of which they might justly regard as absurd and ridiculous, and others as most profane and blasphemous? He (Mr. Plumptre) knew that some excellent officers and soldiers had been deeply pained and disgusted by services of this description. He knew, also, that some had left the army rather than submit to them. Two excellent men, the cause of whom he had more than once pleaded, but, as yet alas, in vain, had been ejected from their profession for requesting to be exempted from such services. He had clung to the hope that the case of Mr. Aitcheson would ere this have met with consideration—that an act of grace, at all events, or, in his (Mr. Plumptre's) view, an act of justice, would ere this have been done towards him; that he would not have been suffered by this free and professedly Christian country (and in this, which is so eminently considered a liberal age, after exposing his life for his country's safety, and giving to her his time, his talents, and his faithful and loyal exertions for twenty of the best years of his life,) now to be reduced (as far, at least, as his country itself is concerned) to want and to the appearance of disgrace. He said the appearance of disgrace, because disgraced he was not in the eyes of those who knew his character, and could appreciate his motives. Honoured rather he was by all who participated in his Protestant feelings, nay, he (Mr. Plumptre,) would say by all of every party, and every persuasion, who would rather ten thousand times sacrifice their worldly interests and their very life, than violate their highest and most sacred obligations. It was with that view, that others entering into Mr. Aitcheson's feelings, and at present exposed to trials similar to his, might be exempted from such trials for the future, and enjoy the unfettered exercise of their religious principles, that he (Mr. Plumptre) commended to the attention of the House the motion which he would read as an amendment on the Order of the Day, "That an humble address be presented to his Majesty, praying that his Majesty would be graciously pleased to give directions that his subjects employed in the civil and military services abroad may be relieved from assisting in religious ceremonies to which their own tenets are opposed."

Viscount *Howick* gave the hon. Member credit for the best motives, but he did not think that the hon. Member had adduced any case or argument which could prevail upon the House to interfere with this subject. The object of the hon. Member's motion appeared to be to prevent our troops while engaged in foreign service from paying any outward marks of respect to the established practices or prejudices, if they might be so termed, of the natives. He believed that, with the exception of the very few cases adverted to by the hon. Member, there were no gentlemen engaged in our naval and civil service abroad who could feel any difficulty in performing those outward tokens of respect to the feelings of foreign nations; and he was sure that if a different course were adopted in reference to those nations which were united to us, it would tend much to shake the grounds upon which that union rested. He should, therefore, oppose the motion; and he did not think the House would consider the practice, which had existed from the earliest time, and to which it had not been the custom or policy of this country to object, except in reference to such particular instances as had been brought forward last year, ought to be interfered with in the manner proposed.

Mr. *Hardy* was quite sure that the noble Lord, if he would take the trouble to inquire, would find numerous instances of officers having suffered a violation of their consciences and religious principles on the point which had been stated by the hon. Member for Kent, but they had not made any representations on the subject, for very obvious reasons. It was not strange that persons should feel a strong objection to be called upon to join in ceremonies which were inconsistent with their own sense of duty and religious belief; and that argument was constantly urged upon Ministers from an opposite quarter in reference to other questions. Many officers in the British army were duly impressed with this subject, but they dared not to speak out, for fear of consequences fatal to their future career. It was high time that the practice was done away with.

Mr. *Hume* entertained no doubt it was extremely desirable that in the army and navy, as well as in civil life, all restrictions upon religious principles and belief should be removed, and that no man should be compelled to do violence to his own conscience. It was on that ground that he had always objected to the exaction of church-rates, and every other coercive impost affecting the conscientious feelings of those who were called on to pay them. He himself had witnessed instances abroad wherein British officers were made to join in religious processions, to carry flambeaux, and fire salutes in honour of those practices to which they were conscientiously hostile, but it was never considered they were performing a religious duty—they were only acting a part in the show out of compliment to the people of the country. He had never wished to see a man's religious scruples disregarded, however extravagant they might be, and thought, therefore, that it was the duty of commanding officers in the army to be as careful as possible to meet the views of those under them who differed in religion. He certainly did not approve of the course pursued towards the gentleman referred to by the hon. Member for Kent, and he thought the Government would do an act of justice if they reinstated him.

Captain *Boldero* stated, that he had witnessed some scenes of the most extravagantly superstitious nature, such as processions of saints, in Roman Catholic countries in which the Protestant officers and men of the British army were compelled to take part, very much to their annoyance. The sooner the practice was done away with the better.

Mr. *Cutlar Fergusson* said, that Captain Aitcheson had been punished, not for refusing to join in a religious ceremony contrary to his feelings, but for not performing a military duty. He regretted the dismissal of that gentleman, because he believed his character in all other respects unimpeachable. It was, however, necessary to show the army, that discipline must be maintained.

Mr. *Wyse* had always supported civil and religious freedom, and, therefore, was anxious to see it carried out as well in respect to the principles of Protestants as Roman Catholics. He did not wish to see people compelled to pay tithes or church-rates against their consciences, and he was equally anxious that Protestants of every grade, whether Episcopalians or Presbyterians, should not be compelled to do violence to their consciences by paying outward respect to superstitions or practices to which they were totally hostile. He could not see how custom or prejudice afforded any good argument in favour of the practice against which the motion was directed. He hoped that England would govern her colonies in a good spirit, so as to produce an union between them and herself, and all such questions as the present might then be very easily settled.

Mr. *Lefroy* supported the motion before the House, not because it went to revise the judgment of a Court Martial, but because Courts Martial were compelled, under the present system, to dismiss officers from the army because they would not violate their conscientious feelings. He trusted that the hon. Member would divide the House, and persevere until he should at last obtain justice from the House.

Mr. *Henry L. Bulwer* stated it to be his object to support his Majesty's Government upon the present occasion. Seeing the particular nature of our empire, and the manner in which the British army was scattered over the globe amidst different religions and races, the utmost care was necessary, in order to rule in a manner accordant with the feelings and prejudices, it might be, of those whom we undertook to govern. A gentleman entering into the military service, then, should first reflect whether, considering the peculiar nature of our army and our empire, his scruples of conscience might not be offended. If he thought they would be so, he was not, as in many countries, obliged to enter it at all. Some gentlemen said scruples of conscience were altogether to be attended to. Supposing a soldier was to say, the morning a battle was going to be fought, that his scruples of conscience forbade him to fight—that he had turned Quaker—what would you say to his scruples of conscience, except that he had entered into the army knowing that he would be obliged to fight, and that he must abide by his own decision? For this reason the Quakers did not enter the army. He then should be loth to place the positive control of a vote upon the discretion of the Government, but he meant to express a strong feeling as to the caution with which that discretion should be exercised, in the care which should be equally taken to offend as little as possible the feelings of the colonial subject on the one hand, and of the British soldier on the other.

Mr. *Andrew Johnstone* approved highly of the sentiments expressed upon this occasion by the hon. Member for the city of Waterford. It showed a determination on the part of that and other hon. Members to uphold the perfect freedom of conscience. In the army he thought that the rights of conscience ought to be as much respected as anywhere else. In the particular case before the House the officer was called upon to discharge not a military but a religious service. The officer was called to do that which he called an act of worship, in firing off a particular sort of artillery—petteraroes, not used except upon occasions of religious ceremonies.

Viscount *Howick* begged to say, in explanation, that nothing could be further from his wish than that British soldiers should be employed in any religious ceremony abroad, at the same time he must persist in his objection to the address, for he could not bring himself to consent that commanding officers should be deprived of that discretionary power which they had hitherto exercised, especially in the colonies, for it sometimes happened that the omission of a mark of respect was regarded as an insult.

Sir *Charles Burrell* considered that the case of this individual was a very hard one. It ought to be recollected that the circumstance occurred before the passing of the Catholic Relief Bill; and it was not extraordinary that at that period persons entertaining strong opinions on religion should have resisted the doing that which was contrary to their own conscientious opinions. He knew the gentleman in question to bear a very good character, and he thought it would be an act for which the army would be grateful, if his Majesty's Government would take that opportunity of restoring him to that army.

Mr. *Cutlar Fergusson* said, Captain Aitcheson was called upon by his commanding-officer to perform this duty—he resisted—and it was as much an act of disobedience of orders as if he had refused to do any other military act which he might have been called upon to perform.

Sir *John Beckett* wished to set the House right as to the facts of the case. Mr. Dawson, in the first instance, was called upon to perform the duty, and resisted, and Captain Aitcheson undertook to fire the guns. In consequence, however, of some representation made to the commanding officer, he was led to believe he did not intend to do it. The commanding officer went to the fort, and Captain Aitcheson placed a written remonstrance in his hands, stating his reasons for refusing to perform the ceremony; and the consequence was, that the commanding officer was obliged to give orders to a gunner, who was standing by, to fire the guns. A general Court Martial was ordered, and the seventeen officers composing it were unanimous in their sentence, which sentence was approved of by the Duke of York and by the Duke of Wellington, on its arrival in this country, as it was, he believed, generally by the military authorities. He contended that by performing this duty, the individuals did not participate in a Roman Catholic ceremony; it was a military ceremony; and under the engagements entered into between Great Britain and the Maltese, as well as the inhabitants of the Ionian Islands, it was agreed that all these ceremonies should be observed.

Mr. *Thomas Duncombe* must say, if the conduct of Captain Aitcheson was, in fact, a gross breach of duty, as it had been described, then what became of the argument of the noble Lord below him, who founded his opposition to the address on the ground that a discretionary power ought to be given to commanding officers as to the refusal or non-refusal to discharge such duties? There was a great principle involved in the motion, which, if carried, and it should go forth to the army, he was sure military discipline would not suffer from it.

Mr. *O'Connell* should, if the motion were pressed to a division, vote for it. As regarded private soldiers, those of the Roman Catholic persuasion had enjoyed religious liberty for many years. He remembered one case where a private soldier was sentenced by a Court Martial to be flogged for refusing to attend a Protestant place of worship. An application, however, was made to the Court of King's Bench. That court immediately granted a *habeas corpus;* and from that time the Catholic soldier had enjoyed the same liberty of conscience as the Protestant. The same liberty of conscience ought to prevail in the army as out of it, and the men would not be the worse soldiers for it.

The Earl of *Darlington* considered that cases might occur in the Colonies in which it might be necessary, in order to preserve peace and harmony, to observe these ceremonies, and he thought it would be very injurious if the address were carried.

Dr. *Bowring* said, the question of military discipline ought by no means to weigh down the higher claims of conscience. [*Hear, hear!*] Had the address involved an approval of the conduct of Captain Aitcheson, he certainly could not, after the statement of the right hon. Member for Leeds, have concurred in it. But the motion proclaimed a true, a generous, a philanthropic, and a Christian principle. It respected, and forced others to respect, the religious scruples of their neighbours. He thanked the hon. Member for bringing forward the motion, were it only that it had led to the expression of so much of charitable and really catholic sentiment, in which none had more strikingly participated than the Roman Catholic Members who had taken a part in the debate. Something was gained for the cause of general religious freedom when the rights of conscience were so ably advocated by men of different persuasions; and the asperity of sectarian controversy would soon be softened, if the disposition to respect the opinions of others, which the motion recognised, were more generally diffused.

Colonel *Thompson* felt great pleasure in being able to support a motion proposed by an hon. Member to whom he was so frequently opposed. The Sepoy would not wear a pig-skin to make part of a show. Why then, he would ask, was not the conscience of the English soldier to be respected as much as the conscience of the Hindoo or the Mahometan soldier? He hoped the hon. Mover would press his motion to a division.

The House divided on the original question: Ayes 44; Noes 38; Majority 6.

List of the AYES.

Aglionby, H. A.
Barclay, D.
Baring, F. T.
Beckett, rt. hon. Sir J.
Bellew, R. M.
Bewes, T.
Blamire, W.
Bulwer, H. L.
Campbell, Sir J.
Chapman, L.
Clements, Lord
Darlington, Earl of
Dillwyn, L. W.
Ebrington, Lord
Fector, J. M.
Fergus, J.
Fergusson, rt. hn. R. C.
Graham, rt. hn. Sir J.
Heathcote, G. J.
Hobhouse, rt. hn. Sir J.
Horsman, E.
Howard, P. H.
Howick, Lord
Lennox, Lord G.
Marsland, T.
Morgan, C. M. R.
Morpeth, Lord
North, F.
Oswald, J.
Parrot, J.
Parry, Sir L. P. J.
Price, Sir R.
Rice, right hon. T. S.
Ross, C.
Russell, Lord J.
Scott, J. W.
Smith, R. V.
Smith, B.
Steuart, R.
Tancred, H. W.
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Warburton, H.
Ward, H. G.

TELLERS.

Stanley, E. J.
Dalmeny, Lord

List of the NOES.

Baines, E.
Barnard, E. G.
Bodkin, J. J.
Boldero, H. G.
Bowring, Dr.
Brotherton, J.
Burrell, Sir C.
Chisholm, A. W.
Duncombe, T.
Hardy, J.
Hume, J.
Humphery, J.
Hutt, W.
Johnston, A.
Jones, T.
Lefroy, A.
Lennox, Lord A.
Lister, E. C.
Lushington, C.
Mackinnon, W. A.
Maunsell, T. P.
O'Brien, W. S.
O'Connell, D.
OConnell, M. J.
O Connell, M.
Plunkett, hon. R. E.
Price, S. G.
Pryme, G.
Pusey, P.
Shaw, right hon. F.
Thompson, Colonel
Trevor, hon. A.

Wakley, T.
Wason, R.
Williams, W.
Wilmot, Sir J. E.
Wyse, T.
Young, G. F.

TELLERS.

Plumptre, J. P.
Lefroy, rt. hon. T.

HOUSE OF LORDS.] Mr. *William S. O'Brien* rose for the purpose of moving certain resolutions of which he had given notice, expressive of the regret experienced by the House at the conduct of the House of Lords, in rejecting the Bill for the Reform of the Municipal Corporations in Ireland. He thought it highly incumbent upon every Irish Member to express the indignation with which they had viewed these proceedings.

Mr. *Rigby Wason* interrupted the hon. Member, and urged him not to press his motion.

Mr. *O'Connell* said, that although he was as sensible as any body could be of the indignity offered to the people of Ireland by the House of Lords, he did not think that the course proposed by the hon. Member would be the right one to give expression to that feeling.

Mr. *William S. O'Brien* said, if the general feeling of the House was against the course he was about to pursue, he would consent to withdraw his motion.

Motion withdrawn.

Order of the day read, on the motion that the House go into Committee.

TITHES AND CHURCH, IRELAND.] The House then resolved itself into a Committee on the Church and Tithes (Ireland) Bill.

Some new clauses were added, and also a proviso for the purpose of constituting privy councillors of Ireland *ex officio* members of the Ecclesiastical Commission.

The preamble to the Bill was agreed to: the House resumed, and the Bill was reported.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.] On the motion of the Attorney-General, the order of the day for taking into consideration the Lords' amendments to the English Municipal Corporations' Act Amendment Bill was read.

The *Attorney-General* then said, that it was with great satisfaction he thought that with respect to this Bill the amendments which had been made were not likely to create any difference of opinion between the two Houses of Parliament. The Bill had originally been so framed as to avoid giving any offence elsewhere, and the House of Lords had returned the Bill, which contained, as amended, only two or three points to which it was necessary to call the attention of the House. It was his duty to call the attention of the House to two amendments only with respect to which he thought they ought to disagree with the Lords. The first of these related to the manner in which the election of aldermen and mayor should be carried on in boroughs where the town-councillors were equally divided. In two boroughs at the last municipal election the town-council was divided nine against nine; they could not agree upon the election of aldermen, and sat till twelve o'clock, after which no alderman could be elected under the Act. By the Bill sent up from the Commons it was provided, to remedy this inconvenience, that the councillor who had the greatest number of votes should preside at the election, but should not give the casting vote, and that where the council could not agree in their selection of aldermen and mayor, the election should be referred to the constituent body. This seemed the wisest course that could be pursued, because the constituent body having elected councillors so opposite in sentiment, were likely to choose the aldermen from both parties also. The House of Lords had, however, thought that a different course ought to be adopted, and had referred the election to mere chance, which was, to determine whether the majority in a corporation should be Reforming or Conservative, for they proposed that the councillor who was to preside at the election should be chosen by lot, and that he should have two votes, his own and a casting vote in case of an equality. Now, to this amendment he could not advise the House to agree. He should move, that if the town-council could not agree in their selection of aldermen and mayor, the election should be referred to the constituent body, and he thought that if the town-council found that if they continued obstinate they would not have the power of election at all, they would most probably compromise their differences. The second point to which he had to call the attention of the House was the clause relating to charitable trustees who were left by the English Corporation Act in the same situation as they were before the passing of the Act, till November 1, 1836, and if Parliament did not make any provision respecting it in the meanwhile, the Lord Chancellor, who was at the head of the charitable institutions of the country, was to take them under his care. Now, the

House of Lords had prolonged his clause for another year, and that amendment he could not recommend the House to agree to, as the operation of the clause had been found to be very inconvenient, and a Bill had been introduced by his hon. Friend, the Member for Northampton, relating to charitable trustees, by which the rate-payers were to elect, but each rate-payer was to vote for only half the number of candidates, so that each side was sure to be fairly represented. Their Lordships were probably not aware that this Bill had been introduced into the House, which they would no doubt find very fair and equitable, and therefore he should recommend the House to dissent from that amendment of the House of Lords. There was another clause which had been pointed out to him by his hon. and learned Friend the Member for Exeter, relating to small courts in the different boroughs. Now, as the clause came down from the Lords, the recorder was only enabled to sit four times in the year, but it was essential that many of these courts should sit from week to week, and he therefore should propose that the recorder should have a right to appoint a deputy to sit for him, who should receive such remuneration for his services as the town-council should appoint. With respect to the last clause of the Bill, which affected the rival jurisdictions of the town and University of Cambridge, and was to settle the dispute between town and gown, as the right hon. Gentleman, the Member for the University of Cambridge, was not then in his place, he would not proceed with it in his absence, but would propose that the further consideration of it be postponed till the right hon. Gentleman was able to attend in his place, and then the right hon. Gentleman, and his right hon. Friend, the Chancellor of the Exchequer, being present, the claims of town and gown might be satisfactorily adjusted.

Motion agreed to. Lords' amendments taken into consideration; several agreed to, others disagreed to; the amendments to be further considered.

Paper Duties.] On the motion of the Chancellor of the Exchequer, the House resolved itself into Committee on the Paper Duties Bill.

Mr. *Pease* was anxious to know whether it was the intention of the right hon. Gentleman the Chancellor of the Exchequer to continue the existence of the drawback allowed to the King's printer and the two Universities. The reason he put the question was, because he knew it was looked upon as no slight grievance that in the present state of these drawbacks, the printers to whom he had referred were enabled to compete with unfair advantages in their favour.

The *Chancellor of the Exchequer* replied, that it was his intention to let these drawbacks remain as they now were. This measure was one for the reduction of the duties on paper; but he did not think it right to discuss a subject such as that referred to by the hon. Member for Durham incidentally.

Mr. *Hume* concurred with the right hon. Gentleman in thinking that the present was not a fit opportunity to discuss the question suggested by the hon. Member for Durham. He had intended to have brought under the notice of the House the existing exclusive privileges as to the printing of Bibles and Testaments, at present enjoyed by the King's printer and the printers to the two Universities. It had been proved in evidence taken before the Select Committee of the House of Commons which had sat upon this subject that though the Bibles and Testaments so printed were sold at a comparatively cheap price, yet they could be printed and furnished to the public at a price one-third less, or in other words, at a saving to the public of thirty-three per cent. He hoped, therefore, that early next session the matter would be brought forward by his Majesty's Government, and would receive the attentive consideration of the House. His object, however, in rising on the present occasion was, to ask the right hon. the Chancellor of the Exchequer when it would be convenient for him to submit to the House his proposition for granting allowances or drawbacks on the stocks of paper remaining on hand at the time when the reduction of duty was proposed to take effect. He submitted that this allowance or drawback had been loudly called for by the trade in general.

The *Chancellor of the Exchequer* said, he hoped to be able to prove to his hon. Friend, the Member for Middlesex, and the public, as he had already done to the parties interested in the adjustment of the question out of doors, that to go beyond what this Bill provided for would not be expedient. Whenever a reduction in duty was made, and at whatever period it commenced, it was clear, without making some legislative arrangements, those who held stocks on hand at the time the reduction was effected, would meet those who laid in stocks which were subject only to the new and reduced duty with some disadvantage. Various modes had been acted upon for counteracting this evil, and amongst them was the obvious and mechanical one now advocated by his hon. Friend, the Member for Middlesex, namely, to make a reduction or allowance on the total amount of stock there might be on hand when the reduction came into effect. If that could be attained without inconvenience to the public, it followed, that all traders would start on an equality, and enter into a competition on fair terms. Amongst the attempts made to adopt this proposal was that which took place when a reduction was made in the duty on silk. A drawback was then allowed on the amount of the stock in hand and the consequence was, that the Government had to pay back a much larger amount of duty than was ascertained to be paid by the silk proprietors. This, besides being productive of an enormous burden to the country and fraud on the revenue, had this effect also, that whereas a fraud was committed, and there existed an amount in the stock which had not paid duty, the parties claiming the drawback were benefited by receiving not only a sum for duty which had never been paid, but by being enabled to enter into competition with their honest rivals in trade on unfair terms. It should also be recollected, that when at past periods the duty on paper had been raised, it was never levied on the stock in hand; so that when the rise in price took place (which followed from the imposition of the additional duty) the trader received a considerable benefit; and the reduction in duty being now proposed, whatever were the disadvantages under which the trader was placed by it, they formed but a counterbalance to the benefit which he had received by former measures. He would endeavour to explain in a very few words, what it was his intention to effect by the present Bill. He must, in the first place, say that he did not object to the principle of a drawback, if fraud could be guarded against by it. The plan which he had devised would effect its object without giving an opportunity for the commission of fraud, and he should explain it in as short a time as possible. First, he intended, under the provisions of this Bill, to postpone the commencement of the repeal of the duty to the 10th Oct. The effect of that would be, to allow parties to work off their existing stocks before the alteration was effected. This period, he thought, would be fully sufficient for the purpose which he had mentioned, particularly when it was considered that these parties had quite sufficient notice of the intention of Government—first by the Report presented by his right hon. Friend, Sir H. Parnell, next by the discussion which took place when the noble Lord, the Member for South Lancashire (Lord Egerton) presented a petition on the subject, and finally by his (the Chancellor of the Exchequer's) notice of it on the Budget Speech. But it might be said, that if things were left in that state, no purchase would be made from the manufacturer. Now to obviate that objection, he contended that it should be open to parties to take from the mill paper to any extent they pleased, which should bear not only the Excise mark, but be so identified and distinguished as to exclude all attempts at fraud. They might take this paper into their stock; and on every portion of it that remained on hand on the 10th of October a drawback would be allowed, and return made of the amount of duty upon it. That was the way in which he proposed that relief should be afforded; and he did not think it would be just or expedient to go further. He called on the Committee, if they wished that the system of reductions of duty should be persevered in, not to encumber such questions as the present with those of allowances and drawbacks. He trusted his statement had given satisfaction to the Committee. He could inform them of this, that when a deputation had lately waited upon him, and when he had told them what he meant to propose, they expressed a hope that he would adhere to the plan which he had then described—"Because," they said, "if, after making this communication to us, you should thnk fit to change your resolution, all we can say is that you would effect more injury by passing, after the announcement which you have made, measures which we proposed at first, than you will by persevering in your determination".

Mr. *Hume* thought, that all attempts at fraud might be perfectly guarded against by appointing to each town, some one place and one day where an examination should take place, for the purpose of preventing any forgeries. He was of opinion that every ream of paper might be traced from the mill to the warehouse, and to the shop of the dealer, so as to prevent all possibility of fraud. In the case of stamps now issuing, there was an understanding that the duty on the portion not consumed, at the periods of the Bill passing, should be returned. Why should not this precedent be adopted in the case of paper. The hon. Member concluded by intimating, that he would persist in his proposition.

Mr. *Brotherton* said, that great frauds had been committed upon the alteration of the silk duties, in consequence of the adoption of such a proposition as that urged by the hon. Member for Middlesex. He would, however, recommend the Chancellor of the Exchequer to consider whether, by the adoption of additional precautions, the suggestion might not be rendered practicable.

The *Chancellor of the Exchequer* observed, that nothing would be more easy than to cheat the revenue, by placing within marked excise covers paper which had not paid duty. He feared, therefore, he could not consistently, with his duty, adopt the hon. Member's proposition.

Mr. *Robinson* thought the more just course would be, to allow a drawback on all paper on hand, at the period of the Act passing. It was unfair to deprive the honest portion of the paper trade, because a roguish trader might, by possibility, commit an isolated case of fraud. He thought, that means might easily be devised to make the parties prove they had paid the duty.

Mr. *F. Baring* observed, that the parties had full notice of the course Ministers intended taking, with regard to the question raised by the hon. Member for Middlesex, from the Report of the Excise Commissioners, and yet it was not objected to by them when the Bill was submitted to their consideration. Again, in the finance exposition of April last, the matter was mentioned, and then not protested against. It was, besides this, notorious that the stationers had been of late considerably reducing their stock of paper, in anticipation of the present measure. His great objection to the proposition, however, was the opportunity it would afford for fraudulent practices — practices, by the way, which no foresight could guard against.

Mr. *George F. Young* did not see how the allowance of the drawback could open the door to frauds. The dealer could just as well commit fraud now, as after the Bill passed with the proposed proviso. If the hon. Member pressed his proposition to a division, he should feel it his duty to support him.

Mr. *Baines* supported the proposition of the hon. Member for Middlesex, which he contended would do justice to the trade without exposing the revenue to the smallest risk of fraud. He was anxious to know what arrangement the Government had made with respect to the allowance of the drawback on the paper known as "press boards." This class of paper was much used by his constituents, who, under the 42nd Geo. 3rd chap. 94, were allowed back the entire duty, on a certificate being forwarded to the proper office of its having been used in the woollen trade. Was this arrangement, he desired to know, to be continued?

The *Chancellor of the Exchequer* replied, that up to the 10th of October next the present arrangement should continue in force, but that after that date the class of paper alluded to, would be charged three-half pence duty. This arrangement would be rendered necessary by the impossibility of making a distinction between the several classes of paper after the passing of the Act.

Mr. *Hume* said, that although he felt it an act of gross injustice not to allow a drawback on the stock in hand, yet he did not think it worth while to press this amendment to a division, but would content himself with entering his protest on the subject.

The *Chancellor of the Exchequer* observed, that whoever had stock in hand on the 10th of October, would obtain the difference between the new duties and those which he had paid on that stock.

Clauses of the Bill agreed to; the House resumed, the Report to be received.

GRAND JURIES IRELAND.] On the motion of Lord Morpeth, the House resolved itself into a Committee on the Grand Juries (Ireland) Bill.

Mr. *W. Smith O'Brien* complained that a million a year was assessed upon the people by grand juries, who were irresponsible bodies. He proposed that a system of fiscal representation should be adopted with reference to parishes and baronies, for the purpose of checking the evil. The hon. Gentleman moved an amendment to that effect, which was negatived.

On Clause 7 a proviso was moved by Lord Morpeth, that the associated cess-payers were not to serve on two sessions successively.

The Committee divided: Ayes 45; Noes 19—Majority 26. Proviso agreed to; Clauses to 74 agreed to.

On Clause 74, enacting that each surgeon of a dispensary, under this Act, should reside within five miles of the dispensary, being put,

Mr. Walker moved a proviso, that the clause should not have a retrospective effect.

The Committee divided, Ayes 40; Noes 7—Majority 33.

Mr. *Montague Chapman* objected to the motion, that it would prevent the cess-payers from acquiring habits of business.

Proviso added and clause agreed to.

House resumed, the Committee to sit again.

HOUSE OF COMMONS,

Wednesday, July 6, 1836.

Minutes.] Petitions presented. By Mr. Bolton King, from the Directors of the Warwick and Leamington Banking Company, that the Committee on Joint Stock Banks be instructed to require from Private Banks an account of their Liabilities and Assets.—By Lord Charles Russell and Mr. Pinney, from Roseton, Lyme Regis, and Grampound, for Abolition of Church Rates.—By Sir R. Vivian, from the Bristol Chamber of Commerce, praying the House not to sanction the Repeal of the Provisions of the Tea Duties' Act; and from Clergy of Wells, against Church of Ireland Bill.—By Mr. T. Attwood, from various Places, against Factories' Act Amendment Bill.—By the Marquess of Chandos, from Hatfield, York, complaining of Distress and praying for Relief; and from the Master Ship Bread Bakers, Liverpool, that Foreign Flour and Biscuit may be subjected to the same Restrictions as Beef and Pork.—By Mr. Pryse Pryse, from the Dissenters of Talybout, for Registration of Births, &c., Bills.

Poor-Laws.] Mr. *Walter* said, that he was intrusted with a petition from the rev. Mr. Clutterbuck, the vicar of Long Wittenham, in Berkshire, complaining of the manner in which poor women and children were treated under the new Poor-law Bill. It appeared, from the statement of the rev. gentleman, that not long ago Mr. Stevens, the assistant Poor-law Commissioner, advised the guardians of the Wallingford Union to pass a general resolution that no relief should be given to any able-bodied person out of the workhouse; that, on the suggestion of the petitioner, the guardians determined that this resolution should be applied to males only; but since the petitioner had ceased to act as a guardian, the Board had been induced, by Mr. Stevens, to act upon it generally; in consequence of which a number of persons, principally widows with small families, had been refused relief, and consequently driven to the workhouse. But he (Mr. Walter) had been further informed, that not only had some of these poor people been removed from their homes to the workhouse of the Union at Wallingford, but, owing to the defective state of that workhouse, many others had been sent to the workhouse of a neighbouring Union. This he (Mr. Walter) should have thought illegal, had he not already discovered that nothing which bore hard upon the poor was illegal under this Act. The rev. gentleman had clearly pointed out in his petition, the mischief to the moral character of the humbler members of his flock, which must ensue from the proceeding of which he complained, and he prayed the House to take the subject into its consideration, with a view to the application of some remedy.

Petition to lie on the table.

Mr. *Thomas Attwood* presented petitions, nearly forty in number, from agricultural labourers and others, in parishes in Suffolk, Cambridgeshire, and Bedfordshire, complaining of the operation of the Poor-law Amendment Act, and praying the House to repeal it. The hon. Member observed, that the only portion of the Poor-law Act which, in his opinion, had been productive of benefit, was that which facilitated emigration from one parish to another. In every other respect its operation had been most unjust, and most destructive of the interests of the agricultural labourers. Several petitions complained that the Act had had the effect of lowering wages, and he had no doubt that it was calculated to produce such effect; at the same time he must acknowledge that the wages of labour had risen throughout England of late; but the House must not attribute that effect to the operation of the Poor-law Amendment Act. He (Mr. Attwood) believed that it had produced no good effect whatever, and that, if left to itself, it would inevitably beat down wages. No; the recent rise in wages was attributable to the joint-stock banking companies, which had deluged England with a good paper currency. The petitioners strongly deprecated the separation of families in workhouses, and the other cruel hardships to which the poor were exposed under the operation of the Poor-law Act, and they observed, that the poor who required relief should be fed fairly and honestly, and without the infliction of punishment. If the Government refused to the poor that protection to which they had a right, they owed no obedience or allegiance to the Crown or the State.

Mr. *Mangles* said, that in his part of the country the Poor-law Act had worked most admirably, and that all the poor were employed and happy under its operation.

Mr. *Thomas Attwood* was happy to hear the statement of the hon. Gentleman, but he believed he was under an error.

Mr. *Mangles.* What I state is a matter of fact.

Petition to lie on the Table.

House counted out.

HOUSE OF LORDS,

Thursday, July 7, 1836.

MINUTES.] Bills. Read a second time:—Commissary Courts (Edinburgh); Loan Societies' (Ireland).

Petitions presented. By several NOBLE LORDS, from various Places, against Universities' (Scotland) Bill.—By the Earl of MANSFIELD, from Penrith, Falmouth, and Truro, for the House to resist all attempts to interfere with their Rights, Privileges, and Independence.—By Lord WYNFORD, from Holsworth complaining of Distress, and praying for Relief.—By the Marquess of WESTMINSTER, from St. James, Westminster, for Westminster Small Debts' Bill.—By Lord HOLLAND, from various Places, for Abolition of Church Rates.—By Lord PLUNKETT, from St. Paul, Dublin, for Municipal Corporation Reform Bill (Ireland) as first brought up from the Commons.—By Lord ASHBURTON, from Romford, that the Compulsory Clauses of Tithe Commutation Bill be delayed till next Session.—By Lord PLUNKETT, from St. Paul, Dublin, for Abolition of Tithes (Ireland).

COMMUTATION OF TITHES (ENGLAND) BILL.] The Marquess of *Lansdowne* rose, for the purpose of moving the second reading of a Bill for the Commutation of Tithes in England and Wales—a Bill which he ventured to state was only inferior in importance to that great measure to which their Lordships had given their assent two years ago, and of which they were now beginning to reap the benefits—he meant the measure which had been introduced for the purpose of doing away with that accumulation of abuses which, under the old system of Poor-laws, had taken root in the country, and which were now commencing to be eradicated by that improved system which his Majesty's Ministers had introduced, and their Lordships had sanctioned. This Bill, then, being only inferior in importance to that which his Majesty's Government had introduced for the amendment of the Poor-laws, and being as closely connected as that Bill was with the industry and resources of the country, he felt that it was necessary for him to claim more than the usual indulgence of their Lordships whilst he endeavoured to explain and render intelligible to them the principles on which it was founded, and the details by which it was to be carried into execution. Fortunately, it would not be necessary for him to enter into any discussion or inquiry as to the antiquity and origin of that species of property to which this Bill related, and which some persons said was to be found in ages long anterior to the existence of Christianity. Neither would it be necessary for him to trace the progress of that species of property, nor of the events, which, sometimes by legal, and sometimes by illegal, means, had altered its condition and its character. It might, however, be necessary for him to observe in the outset—and all history confirmed the observation—that this species of property, though liable to little objection in its early origin, had, as civilization increased, and as ingenuity was applied to the cultivation of land, and as capital was brought more and more into action, become more and more objectionable, and more and more liable to the imputation of operating as a check on the free developement of industry, with which the prosperity of every country was deeply and constantly connected. Even in this country, various individuals, and various bodies of individuals have availed themselves sometimes of the sanction of the law, sometimes of various contrivances in evasion of the law, to throw this burthen off their landed property? To what extent this had been done it was impossible for him to state, nor should he endeavour to make any calculation on the subject; suffice it to say, that in any Bill which was introduced to remedy the evils of the tithe-system, of which they heard so many complaints, it would be necessary to make provision to guard that property which in any way had been freed from the operation of that liability which applied to the great mass of property in the country, namely, the payment of tithes sometimes in kind, and sometimes in the shape of composition. Discarding all reference to the past history of tithes, and to the condition of the property in them, in other parts of the world—it was with reference to the condition in this country that their Lordships were called upon to deal with tithes, and to apply the remedies which he was about to state were proposed. Setting out from that point he would proceed, in as few words as possible, to detail the different steps that had been taken in attempting to attain the object in view. If noble Lords were of opinion that it was practicable to effect a change in this species of property which was affected by so many peculiar circumstances, grafted on it by various events, by the application of one uniform principle to all the different kinds of property of this nature—if noble Lords entertained such a hope or expectation, they must be disappointed. It was not in the nature of things, when there were so many interests mixed up, where the habits and feelings, and the prejudices, and the good and bad inducements of so many persons had been so long involved, that it was possible to legislate on one uniform principle with perfect justice to all. Their hope would be disappointed if they expected to attain this great good by the adoption of one principle sound in itself and beneficial for the security of property. It was in conformity with the feelings which he had attempted to describe that the present measure was proposed. He would now merely attempt to explain as shortly as possible the various clauses of the Bill. The first clauses—about twelve in number—of this Bill, as the noble Lords would find, applied to that which was necessarily the foundation of what was intended to work out the measure—he meant the appointment of Commissioners. It was proposed, that of the Commissioners to be appointed, two of the number should be named by the Government—that was, by the Secretary of State for the Home Department; and one should be named by the Archbishop of Canterbury, and that all these Commissioners should be removable at pleasure. The Commissioners were authorised to appoint Assistant Commissioners: he stated that at the outset. When these Commissioners were appointed, the first object the Bill contemplated was, that as much of the change as possible should be effected by voluntary commutation. The Bill afforded every facility to parties voluntarily disposed to act according to the principles of the Bill, and to effect a satisfactory arrangement between themselves. It was proposed, therefore, that in every parish, any one or more of the land-owners, or tithe-owners, whose interest shall not be less than one-fourth part of the whole value of the lands subject to tithes, or one-fourth part of the whole value of the tithes of any parish, may call a parochial meeting of land-owners and tithe-owners within the limits of the parish, for the purpose of making an agreement for the general commutation of tithes within the limits of such parish. This first step being taken, the meeting being called, the land-owners and the tithe-owners respectively, whose interests in the land and tithes of the parish shall not be less than two-thirds of the land, subject to tithes, and two-thirds of the great and two-thirds of the small tithes of the parish, would be invited to see whether they cannot come to an agreement to fix the amount of tithes, and for the payment of an annual sum, by way of rent-charge for the future, in lieu of the payment of tithes. Supposing this to be effected, it would only require the sanction of the Commissioners to make a permanent settlement. When engaged in making a permanent settlement, and when the amount proposed was agreed on, there might arise, and arise justly, reasons why the specific amount thus stated should be waived, and be settled again by the Commissioners. After the sum to be paid had been agreed upon by three-fourths of the tithe-owners and the tithe-payers, it would be for the tithe-payers to meet and settle in what proportion each individual must contribute to the amount determined on to be paid by the whole of the parishioners. So far they proceeded when there was nothing but a voluntary agreement. But cases might and would occur in which the land-owners and the tithe-owners agreed as to the amount to be paid by the whole of the parishioners, but they might not be able to agree as to the specific amount to be paid by each tithe-payer. The Bill made provision for this, and directed the appointment of valuers for the purpose. It was proposed that the valuers, through whom this appointment was to be made, were to be nominated thus: half of the number of valuers in a parish, to be chosen by a majority of the tithe-payers in respect of number, and the other half by a majority in respect of interest of such land-owners then present. Supposing, however, that after a period of three months no such valuers were appointed, the compulsory part of the Bill would come into operation. He might be permitted to observe that it was possible that some noble Lords might think that this period of three months was too short a time, and indeed he rather entertained this opinion himself; he should have no objection to extend the time from three to six months. After some time then the Commissioners would appoint valuers, who would make an apportionment for the payment according to rules laid down in this Act. This was the first application of the compulsory principle; but the Bill then went on to frame regulations for the commutation of tithes, when the parties could not agree as to the whole amount to be paid. The Bill then enacted, that after the first of October, 1837, if no steps were taken by the parishioners and the tithe-owners to fix on a certain sum to be paid by the former as a commutation, that the Commissioners should come into the parish and ascertain the total value of the tithes, and award the sum to be paid as a rent-charge in lieu of them. The sum to be thus charged was to be calculated in this way, and it was the most important and most stringent part of the measure. The Commissioners would meet and form an estimate in this way. They must look at what had been the amount of composition collected on tithes in the parish during a period of seven years, and strike an average founded on the amount of composition for tithes actually paid; they should then award that the average value paid during the seven years should be taken as the actual amount to be paid as a rent-charge as a permanent composition for tithes in such parish. This was to be acted upon, and not otherwise, if the tithe-owners and tithe-payers could not fix on the just amount of tithes that should be paid. The Commissioners, in extreme cases, were empowered to modify the principle, and were to have power in making a calculation of the great or small tithes in a parish to diminish or increase the sum to be so taken by a sum not amounting to more than one-fifth part of the average value ascertained; subject then to this addition or subtraction, the amount of tithes to be paid was fixed and settled by the Commissioners. He had now arrived at that part of the Bill by which it provided that either by voluntary or compulsory commutation all lands in the country, except tithe-free lands, must become subject to a certain principle. It was necessary, in justice and equity, that the payments should fluctuate as to the value of the produce. This limit and fluctuation was to be provided for in the manner he was about to state. They were to get a fixed money payment to be stated in a quantity of corn; for instance, if they fixed a money payment of 300*l*., it should be so stated as to be at once translatable into so many quarters of wheat, so many quarters of barley, and so many quarters of oats, in equal proportions. They would thus get fixed for a rent-charge on the payment of a certain quantity of wheat, barley, or oats. This would regulate the money payment from year to year. They assumed as data on which to calculate the average price of wheat, barley, and oats for the seven years terminating at Christmas, 1835. By fixing on this period they would prevent all manœuvring to raise or lower the price of corn during the period while this Bill was in progress. In making the calculation for any particular place one of these seven years would be thrown out, and the additional year thrown in. By the addition of this one year, and by the subtraction of the other, the variations in the prices of wheat, barley, and oats would be allowed for sufficiently to meet any fluctuations that might be likely to arise. Many ingenious schemes had been started with a view to have the rent-charge made on a different principle. Among others a gentleman, well known to many noble Lords, Mr. Andrew Knight, president of the Horticultural Society, as well as other gentlemen, had thought it better that the price of wheat alone should be taken as an element to calculate the rent-charge on, instead of taking it jointly with the prices of barley and oats. He thought that by either of these means the object could be obtained, but not in such a satisfactory manner as by taking the prices of other grain as well as wheat. If they took wheat alone, it would be found that it fluctuated more in its price than other descriptions of grain, although no doubt the price of other grain was influenced by the price of wheat. He thought if noble Lords would attentively look into the subject they would see that by taking the average price of three descriptions of grain the fluctuation would be less. These were the reasons, then, for proposing to take the three qualities instead of one. Under the opinions he had stated they had brought forward the measure, and they hoped to obtain a money payment, either by voluntary or compulsory means, and this payment was only liable to the fluctuations arising from transferring it into a payment depending on the price of three descriptions of produce. The amount, then, would be fixed for such payment by the tithe-payer, and he trusted in a way that would be satisfactory to all classes. This, then, was the outline of the measure, but, like all general measures, it could not be expected that it would satisfy the wants of every particular case. He might be told that it would have been better to take the actual amount of composition in payment in each case; but he thought it would be both impolitic and unjust to exclude the variation of the one-fifth part of the average value, which it was proposed by the Bill the Commissioners should have the power to deal with, either by increasing or diminishing the sum taken in the amount of the composition. By this means they would allow for the peculiar circumstances of each case, as well as for the habit of the individual tithe-receivers both in those cases where less has been paid than should have been, and where more had been exacted than should have been paid. This might not meet the particular justice of each case, but it would afford substantial justice, and it would prevent the measure operating severely in many instances. If the animosities and ill-feelings which the present system created could be set at rest by this Bill, and if, above all, the springs of industry could be set free, and the farmers of this country knew that when they paid the rent-charge proposed to be fixed, that no further imposts could be fixed on them for any improvement they might adopt, or increase they might obtain to their produce, great good would be effected. Every inducement would be held out to employ capital on the land when it was known that under this Bill the owners of it would have nothing to fear in consequence of their enterprise. If this could be accomplished, and a uniform system of law throughout the country could be adopted, incalculable good would be done. He felt that this Act, combined with others now in operation, would contribute to invigorate the springs of industry in the country, and would tend materially to increase the property and to promote the well-being of all classes, and, above all, of the inhabitants of the agricultural districts. He had endeavoured to avoid going into detail on this stage of the Bill, but he hoped he had succeeded in making their Lordships acquainted with its principles and he should be happy now or at any future period to give any further explanations that might be required. He trusted that he had said enough to induce the House to adopt the general principles of the Bill, and to go into Committee with a view of completing it, so that it might answer the end proposed. He begged leave to move, that the Bill be read a second time.

The Earl of *Mansfield* considered that this was a subject of great importance, and therefore felt a most anxious hope that it would now be finally settled. It was impossible for him, as a native of Scotland, to have seen the administration of the poor-laws of that country without wishing to see that better administration of the poor-laws of England, which was now happily in operation. It was also impossible for him, as a native of Scotland, to have seen the benefit of the substitution for tithes in that country, without wishing a similar benefit to be extended to England, although the circumstances of the two countries were very different, and there were great difficulties in the way which required to be obviated. Though he admitted tithe to be a burden, and a burden of an oppressive nature, he could not help thinking that some exaggeration prevailed on the subject, and that it had not interfered so much with agricultural improvement as was generally supposed. He was happy, however, to find that the House was at length engaged in the discussion of this measure. There was one body of men affected by it, who during its consideration had shown great moderation, —he meant the clergy, who had left the matter without a word to the discretion of Parliament. He believed that neither that nor the other House of Parliament would ever neglect the interests of any party who confided in them. In legislating on the subject of tithe, he considered it to be of great advantage that the right to this property was fully acknowledged. The lay-impropriators and the clergy were both interested in this Bill. With regard to the tithe belonging to the first, he had every reason to believe that it was rigidly exacted, whereas, so far as the clergy were concerned, he was informed that they seldom received and seldom exacted the amount due to them. He hoped that, under such circumstances, care would be taken that their moderation in the collection of their dues would not turn out to their disadvantage. He hoped that an accurate valuation would be made, not of the amount of tithe which they had received during the last seven years, but of the amount to which they were entitled. The noble Earl, who was very indistinctly heard in the gallery, was then understood to say that he never should have considered this Bill final and satisfactory if it had not contained a compulsory clause for the Commutation of Tithes. There were, however, some subjects on which he considered the conversion of tithe into a rent-charge had not gone far enough: for instance, take the case of land, now barren and unproductive, being brought into cultivation. Now there was no arrangement in this Bill by which the tithe-owner would derive any value from that land being so brought into cultivation. But under the present system he would have a good right and title to tithe upon it. He admitted, that to a certain extent tithes prevented barren lands from being brought into tillage; but still it ought not to be forgotten that the formation of new roads and the creation of new lines of communication often rendered land valuable for cultivation which before was unprofitable from the want or distance of markets. Within his knowledge, during the last fifteen years, a great quantity of land had, under these circumstances, been brought into cultivation in Scotland in the face of the sinking prices of agricultural produce. Now, he wished to know whether his Majesty's Government intended to prevent the tithe-owner from having the benefit of this conversion of non-productive into productive land? In cases of inclosure the clergyman at present received a compensation for his tithe in a certain portion of the land inclosed. Was he to be deprived of that compensation in future? There was also another point, to which the noble Marquess had not alluded, and on which he wished to obtain information. That point had reference to land which at different times was cultivated for different purposes. It appeared to him that provision was made for the change of culture of hop-grounds and market-gardens. For such lands there was to be an ordinary charge and an extraordinary charge. For instance, when those lands ceased to be hop-grounds and market-gardens, the apportionment made upon them was to be the same as the ordinary charge upon other land in the same parish, but whilst they were under culture for hops, &c., then an extraordinary charge was to be levied, which was to cease as soon as they lapsed back into ordinary culture. He thought that the principle of that clause ought to be carried further. For instance, a parish might be partly in grass, and partly in cultivation. By this Bill the clergyman would have his tithe fixed permanently on the part in cultivation, whilst on the part in grass he would only be receiving a small modus. Now, supposing this grass land to be taken into cultivation, why was not the tithe-owner to have the benefit of tithe hereafter on that land? According to the arrangements now in force in Scotland, this advantage, of which the clergyman ought not to be deprived, might easily be preserved to him. He threw these points out for consideration in the Committee. He would not detain their Lordships with further comments on the principles and details of the Bill. He should be much disappointed if his noble Friends, who were in hostility to his Majesty's Ministers on account of the policy which they pursued in the administration of our foreign and domestic affairs, did not give them as much support and assistance as their firmest adherents would give them in carrying this measure, which in his opinion was calculated for the advantage of the public, and was fortunately not fettered to any abstract resolution, to which they could not agree without an abandonment of principle.

Lord *Dacre* was disposed to give to this Bill, with an exception for some of its clauses, his most cordial support, but he was inclined to think that some more general principle, applicable to all sorts of land, might have been adopted by the framers of the Bill. An arrangement of that kind had taken place in several parishes in the north of England, where it had been found equally profitable both to the tithe-owner and to the tithe-payer. He appealed to the noble Earl (Mansfield) whether it had not also been serviceable in Scotland. By the plan he alluded to, the tithe was settled in proportion to the rent. He believed that there were now 4,000 parishes in England in which a composition for tithes upon such an arrangement had been effected. It was curious, in looking through the documents on this subject, to find that when these commutations commenced, in 1756 or 1757, the proportion allotted to the clergyman for his tithe was not more than one-seventh, that it then became one-fifth, and latterly one-fourth of the rent. Lord Althorp had moved for a return of the amount of the rent and of the tithe compounded for in the different parishes of England. He had got that return for fourteen counties in England, and that return proved, that in the parishes of those counties in which tithes had been compounded the amount paid as composition of tithe was 532,576*l.*, whilst the tithe of the same parishes, taken in proportion to the rent, would have amounted to 547,559*l.*, so that upon half a million there was not more than a difference of 15,000*l.* between the tithe-composition and the amount which would have been paid according to his system. He thought, nevertheless, that this Bill would effect great good. It consisted of three parts. The first was to ascertain the amount of tithe paid as composition and in kind. The second was to ascertain the proportions to be paid parochially by the land-owners of the different parishes, the proportions to be paid by them individually after each parochial proportion was settled, and then the manner in which the valuers were to be appointed and the valuation determined. The third point to which he wished to direct their attention was, how far it was possible to ascertain the amount of the gross tithes during the period of seven years. If the Commissioners were to take the positive actual rates collected by the tithe-gatherers, without any regard had to the fertility or state of cultivation of the land, they might in many instances work the greatest injustice. Land which now paid a high rent might be converted into poor land, if it were held by a tenant who had not money to lay out in improving it; and in the same manner poor land might be converted into rich land, while it was in the temporary occupancy of a man of capital. But was the value of the tithe yielded by the poorer soil, because it might give a large amount in any particular year, to be taken as equal to the tithe which would be derived from rich land yielding a large amount in perpetuity? Though prices might fall, the rich land would still yield a large amount, but capital would be withdrawn from the poor land which would in consequence yield a very inconsiderable sum. He therefore contended, that unless the Commissioners were to take the gross amount of tithe parochially, regard being had to the inherent productive fertility of the land, great injustice would be the consequence in many cases. But this evil might be remedied by introducing in that part of the Bill which he was considering the very words introduced in another part of it, applicable to the valuers in parishes, after the amount of gross tithe should be fixed. After that amount was fixed, valuers were to be appointed who were to determine what proportion of the gross tithe was to be paid by individuals in the parish, having regard to the value of the land. Suppose they should find that half the parish had been enclosed seven years ago. The valuers must produce the gross amount of tithe from the parish at which it had been rated by the Commissioners, and in order to make up that sum, they would be obliged to assign an enormous proportion to that part of the parish which had been longer in cultivation. It was absolutely necessary, in order to avoid similar cases of injustice, that the Commissioners, as well as the valuers, must have regard in making their calculations to the circumstances of the land, and to its natural productive value, and not alone to the mere gross amount of tithe received and collected during the last seven years. It might be contended that the 35th Clause of the Bill, as applicable to extreme cases, would meet such an instance as that which he had supposed, but he contended that under this Bill similar instances would arise in almost every case. It was impossible to proceed with the Bill in its present shape, containing two antagonist principles on which the valuers and Commissioners were to regulate their proceedings. He was not sure whether, under the 35th Clause, the Commissioners would have power to introduce the quality of the land as an element of their calculations, even if they saw the urgent necessity of it; but he was quite certain that, without some such amendment as he had suggested, no general principle could be found applicable to every case; but he was prepared to say that with such an amendment he believed that the Bill would be productive of all the benefits which his noble Friend anticipated from it.

Lord *Ashburton* said, that in consequence of his responsibility with regard to a measure that had been prepared upon this subject during the brief duration of the last Administration, he felt anxious to offer a few observations to the House. Upon this as well as upon that other great subject to which the noble Marquess (the Marquess of Lansdowne) had alluded—he meant the laws for the regulation and maintenance of the poor—it was at least a source of gratification to know that they were divested of all party feelings—and that the country would have the benefit of their best and calmest consideration. Several Bills in reference to this matter had been brought in by the noble Earl (Earl Spencer) formerly Chancellor of the Exchequer; and as they went on in the course of legislation experience had proved the extreme difficulties of the case. There could be no doubt that the proposal for bringing the tithes to a per centage upon rent was desirable, if it could be effected; but by the present Bill a gross injustice might be done, if there were afterwards any tampering with the currency, as it was called. Any alteration in the value of money would materially affect the commutation, as proposed by the present Bill; whereas such an evil would not arise in the case of a per centage upon rent, because the rent of land must necessarily adjust itself to the value of money. He merely mentioned that to explain why, if it could be done, he thought it desirable to bring the tithe to the proportion of the rent. It was said, under this system there would be no contention; but there would be an annual adjustment between the parties. But these were only matters of detail, and he was sure every one must be ready to make a sacrifice of even considerable difficulties, when they found a scheme which seemed upon the whole so likely to afford effectual justice to the parties. Upon the different clauses it would now be improper to trouble their Lordships with any observations; but, in point of principle, he most certainly did wish that further time should be given for the voluntary settlement of the question. He thought the time was too short; he did not allude to the time allowed for apportionment, but to the time previous to the general valuation. The time assigned by the Bill was October, 1837; until then parties were left to enter into an amicable arrangement, but if then none such had been completed, the Commissioners were empowered to step in, and to proceed to make a valuation, and to effect a compulsory commutation. Of the large powers vested in the Commissioners he should not complain, for he conceived that it was only by leaving a wide discretion in their hands that any fair and equitable valuation could be procured. And when he considered the extent of the interests submitted to those who would act as Commissioners, and the difficulties with which the question was surrounded, he thought his Majesty's Government had done right in leaving their powers, great as they were, unrestricted. Their office would be a most laborious one, and one which should only be held by persons in whom the confidence of the country would be entire. The Bill which it had been the intention of the last Government to introduce had been entirely based upon the principle of voluntary adjustment; but is was also held out as a stimulus to quicken the parties in taking the necessary steps, that it was probable that Parliament would at a future time interfere to force upon them a compulsory system. He did not know whether the present plan was not as good, perhaps better, than their own, as it prompted the parties to a speedy adjustment, by providing at once a plan of compulsory commutation; so that not only was notice given that the Legislature would interfere, but, in point of fact, the compulsory enactment was there. The only question then, was, whether that limit of time to which he had already alluded was not too short; and that suggestion was the more worthy of attention when it was considered how much was to be done before the Commission could possibly come fully into operation. There would be some time before the appointment of the Commissioners; some time also would be required before those Commissioners, in a matter so complicated, could settle their plan of proceedings; then, before they could have selected their agents in all parts of the kingdom, some very considerable time would also have elapsed. After they had reached the parishes three weeks' notice must be given; then possible disputes about moduses might arise; and in point of fact, there would be a variety of particulars which, with every possible diligence, must delay the full operation of the Commission for a considerable period. He therefore should suggest, when the Bill was in Committee, whether some additional time—say one or even two years—should not be allowed for parties to come to an agreement of themselves. He was rather more anxious for time because, though the measure had been much discussed, he would venture to say, that much time must elapse before the farmers could be thoroughly acquainted with the whole bearing of the Bill, in what position they stood, and what were the inducements which it held out to them to come to some amicable result. Upon the general principle he must express his decided approbation, though in any measure of this description nothing could be more easy than to find objections. It undoubtedly was desirable to apportion the tithe, not in reference to any particular time, but to the quality of the land; because, according to the present proposition, poor land, with an intelligent and active farmer, might produce large tithes; whereas, on the contrary, the finest land with a slovenly farmer, would only produce very small tithes. As to the cases of an increase in the fertility of land, he was inclined to think that legislation upon that point must fail; and as to the loss of tithes which the Church would thereby suffer he was confident that the liberality with which the subject had been generally regarded by the clergy would be extended to that part. This Bill, however, had another similar, though, perhaps, somewhat more serious tendency with regard to the landowners; for according to its provisions, the land that decreased in fertility would be pledged permanently for tithes, and that appeared to him much more serious to the interests of the landowners than the loss of tithes by the increase of fertility could be to the clergy. He was most happy to see, and he was sure the country would be most glad to learn, that a measure of that kind, and which had been so long expected, had reached to so advanced a stage. The difficulties being so great, he thought that it would be rather a surprise to the farmer to find that Parliament had overcome them; and, therefore, he was of opinion, that full time should be allowed.

The Archbishop of *Canterbury* said, he had heard the statements and opinions of noble Lords on the other side of the House with great satisfaction, because, whilst the measure was entertained in that spirit, there was every reason to expect that it would lead to a satisfactory adjustment, an adjustment which, while it relieved the land from the pressure of tithes would at the same time secure to the clergyman the enjoyment of his rights. He had shown his sense of this subject by the attempts which he had frequently made to bring about an adjustment on different principles. The object which in the first instance he had endeavoured to attain was a composition for tithes founded upon the basis of a permanent commutation; when that composition had lasted twenty years, if it should be found to act justly and satisfactorily, and answer all the purposes of a composition, then that which was only temporary might be made permanent. He felt so strongly opposed to a compulsory commutation that he had wished to have framed some plan; but he did not possess sufficient knowledge of the subject to carry that desire into execution. With respect to the measure then before the House, he fairly confessed that he saw much in it that was highly satisfactory; he thought it was liable to fewer objections than he could have supposed was possible with regard to any measure upon this difficult and complicated subject. He was inclined to express a high opinion of the Bill as a whole: but, standing in the situation in which he did with respect to the Church, he felt that he could not pledge himself to the support of any measure which might possibly be generally unpalateable to the great body of the Clergy. The Bill, it was true, had undergone considerable discussion in Parliament, but still the great body of clergy and tithe holders in the kingdom had had but little opportunity of knowing clearly what the principle of the Bill was. It was to be remarked that there had been a large departure from the original proposal, the whole principle of the Bill had been altered—perhaps for the better; but upon that point he was not then inclined to enter. He should, however, be glad to see the Bill go into Committee, when the several parts would undergo full discussion, and he was confident that the only desire of their Lordships was to do justice to all parties. He was unwilling to detain the House upon any matters of detail, but at the same time there were one or two points upon which it was necessary that he should say a few words. With respect to waste and barren lands, which might be brought into cultivation, and for which no provision was made, he agreed in what had been said by the noble Lord opposite, that to give to the clergy tithes upon such land would be to prevent the object of the Bill, by throwing an obstacle in the way of the expenditure of capital; but he did not see why the same step could not be taken for the clergy as had been adopted in another instance; why a part of that land should not be separated for the use of the clergyman; the cultivation of the land could not be injured by giving to the clergy a portion of it; the property would of course be diminished but the cultivation would not be impeded. In regard to the lands subject to modus, he was of opinion the Bill would require considerable alteration in Committee. There were some lands which payed no tithes when in the possession of the owner but did pay tithes when let, and in the hands of the tenant; and there were some very considerable districts subject to that law: in fact the whole property which formerly belonged to the Cistercian order. Another point to which the noble Lord Dacre on the other side of the House had referred, with a great appearance of justice and equity, was as to the tithes being valued in proportion to the rent, and when the question should be fully discussed he should have no hesitation in saying that the tithe ought to be taken in proportion to the rent. It was fairly acknowledged by that noble Lord that in lands highly cultivated, the tithe, being proportioned to the rent might in some instances be oppressive; and though that might be the case the very fact of high cultivation, however strong the argument might at first appear, showed that it did not operate with a bad effect; for who was it that suffered by tithes? The tenant who had but small means. The tenant who was enabled to make a large, outlay of capital obtained a large crop, and then he was able to pay large tithes; and yet when the produce of corn was very great they would frequently see a small proportion of tithe for that land. What he apprehended was, that great injustice would be done thereby to existing interests; for what effect could a composition entirely upon the natural productiveness of the land have but to lower the receipts to an extent which to the poor tithe-owners must be ruinous? Again, who could venture to say, in a country so increasing in riches, so prosperous as this country was at the present time, bringing capital to all sorts of speculations, some disadvantageous, some successful, that the same spirit of expenditure which had occasioned the present high state of cultivation would not last, at least, as long as the wealth of the country? He could see no reason for turning over that proportion of rent to the land-owner instead of the tithe-owner. He was afraid that it would be almost impossible to extend the noble Lord's principle to the value of tithes at present. He was afraid, also, he had already trespassed too long on their Lordships' attention. He would now only add, that, according to his present feeling, he could but consider the measure as very beneficial. Certainly, some amendments appeared to him necessary, to which he trusted there would be no great objection, and which had been suggested, and which would be received, he was sure, by the noble Lords also, only in the spirit of conciliation, and from the desire of improving the Bill. But, in justice also to the noble Lords who had brought forward the measure, he was bound to say, that the country was much indebted to them for the full attention which they had given to the question, and especially as the result had been a Bill as little liable to objection as could be well framed upon a subject involved in so many difficulties.

Lord *Wynford* entirely concurred in the principle of the Bill, which was certainly the best that had yet been brought forward. As to what had fallen from some noble Lords, he was, for his own part, convinced that the most practical mode of valuation was to take the produce of the last seven years, without regard to the rent, as proposed by the Bill. The probability now was, that more land would go out of cultivation than advance. It appeared to him that the cultivation of the land was at the highest, and would, from this time, begin to go down, so that, instead of suffering any loss, the tithe-owners would, in fact, be great gainers. The object, however, of his rising was to obtain from the noble Marquess opposite an explanation of the words "extreme cases" introduced into Clause 35. He concurred in the propriety of giving great power to the Commissioners under the Bill; but he thought that it might tend to secure the just exercise of that power, if the right of appeal from their decisions were given in certain cases. He thought the powers granted to them under the 35th Clause were enormous, and there was no definition of the cases in which those powers might be exercised. He had other objections to the details of the measure, but none affecting the principle of the Bill, of which he highly approved.

The Marquess of *Lansdowne* rose merely for the purpose of satisfying the noble and learned Lord as to the import of the 35th Clause. He thought it would be found that the word "extreme," though by some accident it had crept into the margin, did not occur in the enacting part of the clause. The discretionary power which the Commissioners might exercise, was founded on an application which might be made by a portion of the land-owners, stating that the value of the land was not fairly represented. Upon that application, the Commissioners would have the power of altering the amount of the tithe, in the proportion of one-fifth, not more one way or the other. They would be required, however, in the first place, to report the grounds of their decision to the Secretary of State, who would lay them before Parliament. With regard to the time to be allowed for coming to a voluntary agreement, it would be a matter for their Lordships' consideration; if it should appear to any considerable number of them, that the extension of the period for one year, and the substitution of 1838 for 1837, would give a larger latitude to the application of the voluntary principle, and greater facilities for carrying it into effect, he should not entertain any decided objection to it.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, July 7, 1836.

MINUTES.] Bills. Read a second time:—Arms' (Ireland); Turnpike Roads' (Ireland).—Read a first time:—Administration of Justice (New South Wales); Admiralty Jurisdiction (Prince of Wales' Island); Insolvent Debtors' (India); Constabulary Act Amendment (Ireland).

Petitions presented. By Mr. CHISHOLM, from Forres, against any Alterations in the Regulations of Universities (Scotland).—By several HON. MEMBERS, from various Places, for Abolition of Church Rates.—By Mr. R. SMITH, from Newport Pagnell, for Mitigation of Criminal Laws; and from Amersham, for Measures to ensure the Negroes the full benefit of the Slavery Abolition Act.—By Mr. EWART and Sir S. WHALLEY, from Retailers of Beer, Liverpool, Stockport, and St. Pancras, for placing them on the same footing as Licensed Victuallers.—By several HON. MEMBERS, from various Places, against Municipal Corporations' (Scotland) Bill.—By Viscount SANDON, from Ship Bread Bakers, Liverpool, complaining of the Importation of Foreign Corn and Biscuit on Bond.—By Colonel PERCEVAL, from various Places, for Lords' Amendments to the Irish Municipal Reform Bill.—By Lord ASHLEY, from various Places, against Factories' Act Amendment Bill.

MISTAKE IN THE MARRIAGE BILL.] Mr. *Wilks* was desirous of calling the attention of the House to a mistake of considerable importance which had been suffered to creep into the Marriage Bill which had recently passed through that House. That Bill contained a proviso that a declaration should be made by the parties about to have the marriage solemnly performed before the civil authorities to the following effect:—"I have a conscientious scruple against being married in church or chapel, or by a religious ceremony." In the votes of that House it appeared that a question had been raised to leave out the clause containing this declaration, and the motion was made that the words left out do stand part of the Bill. On which the House divided, when there appeared, ayes 67, noes 108. This decision determined that the proviso should be left out, and it was with very great surprise that he (Mr. Wilks) found that his proviso formed part of the Bill in the other House, and was in the printed orders of the Lords. This discovery excited great dismay and alarm among all the Dissenters, who held a meeting yesterday, at which he attended, and the alarm excited was indescribable. They resolved to petition Parliament on the subject, as rather than have the Bill passed with such an obnoxious clause they would abandon it altogether. On inquiry he ascertained, that on engrossing the Bill, the proviso was inserted through mistake. He would, therefore, move that a message be sent to the Lords requesting to have the Dissenters' Marriage Bill returned, to have objectionable parts expunged.

Sir *James Graham* thought that a precedent would be necessary before adopting the resolution of the hon. Member.

The *Speaker* said, that no doubt those who had the engrossing of the Bill acted wrong in not exercising more diligence in a matter of such importance, and affecting the religious sentiments of such a large and respectable body as the Dissenters of England; but so many alterations had been made in it, that there were ample grounds for palliation of the error. It would, however, be for the House to decide how the difficulty could be removed, and the Bill altered to the state in which it had passed that House.

Lord *John Russell* thought an understanding might be come to, and the mistake rectified. There was a precedent, he believed, for the returning of Bills from the Lords under nearly similar circumstances. It would, then, be the best way to send a message, and at the same time to be prepared with a precedent.

Mr. *Wilks* would not then press his motion, but renew it to-morraw.

TOLLS ON RAILROADS.] Mr. *Baines* wished to know whether it was the intention of the hon. Member for Ipswich (Mr. Morrison) to proceed this Session with his Bill for the periodical revision of the tolls upon railways. There was a strong impression out of the House that this was a very extraordinary interference with property, and he therefore wished to know whether it was the intention of the hon. Member to proceed with his Bill, feeling, as he must feel, that the Bill was not approved of either in the House or out of the House.

Mr. *Morrison* had no hesitation in saying that it was his present intention to proceed with his Bill to the second reading. He would, however, move that the second reading be postponed till Monday, in order to give hon. Members, whose constituents felt an anxiety on the subject, an opportunity of consulting them. If he thought that his Bill could not be passed this Session he would withdraw it; but he knew that it was the wish of a great number of persons in the House, and out of it, that this Bill should pass. One part of this Bill was much misunderstood, and he had been asked by some friends whether it was his intention to introduce a Bill to the effect that tolls on railroads should hereafter be altogether abolished. Now, the word "abolition" occurred in the Bill, but it was by no means necessary, and he had not the slightest objection to strike out the word. It was certainly not his intention that persons who engaged in great public undertakings should not be remunerated—it was, in his opinion, the duty of the House to encourage persons who engaged in works of this kind, and his Bill would not have the effect of discouraging—if it had, he would be very reluctant to proceed with it; but he was very sure it would have a contrary effect, and he was equally sure that no persons ought to feel more interested in the Bill than the proprietors of railroads themselves. The hon. Member concluded by moving that the Bill be postponed till Monday.

Bill postponed till the ensuing Monday.

WRITS OF REBELLION, IRELAND.] Mr. *William S. O'Brien*, seeing the noble Lord, the Chief Secretary for Ireland, in his place, would take that opportunity of asking a question relating to a man named John Conway, who was taken up under a writ of rebellion, and committed to the county of Limerick gaol, where he was confined for a month, and obliged to break stones like the common felons of the prison, by the governor of the prison, against whom he would not be supposed to offer any censure. He was subsequently sent to Dublin handcuffed, and under an escort; and having been brought before the Barons of the Exchequer it was decided that he had been illegally detained, and was ordered to be discharged. There were many circumstances in the case to make it one of an oppressive nature against Conway, who had not been in possession of the farm for nearly two years before; and although the sum claimed under the Tithe Commutation Bill amounted to 10*l.*, he offered the clergyman 9*l.* 10*s.* and costs. Now the question he had to ask was, whether Conway, who, under the existing laws was a tithe debtor, was to be treated as a felon and a criminal? and if not, whether any report had been made to the Government on the subject, or any inquiry instituted in reference to the treatment he experienced while in the gaol of the county of Limerick?

Lord *Morpeth* replied, that no official communication had been made on the subject, and all he knew of it was from what appeared in the papers. As for the conduct of the gaoler, the Government had nothing to do with him; he was the officer of the High Sheriff of the county, and was only accountable to him.

Subject dropped.

COURT OF SESSION (SCOTLAND).] On the motion of the Lord Advocate, the House resolved itself into a Committee on the Court of Session (Scotland) Bill. The clauses as far as Clause 16 inclusive, were adopted.

On Clause 17, which relates to the appointment of an Extractor General at 500*l.* a year, and an assistant at 300*l.* a year, being proposed,

Sir *William Rae* expressed his strong objection to the clause, as tending to entail upon the public a great and unnecessary expense, inasmuch as there were already four clerks of Session, receiving 1,000*l.* a year each, and having little or nothing to do. Why these two officers, with monstrous salaries, should be added, very greatly excited his curiosity and astonishment. Formerly, the business was so heavy that an increase of officers was required, but at present a reduction, ought to take place in consequence of the decrease of the business. He moved the omission of the clause.

The *Lord Advocate* reminded the right hon. Baronet, that he had himself when in office appointed four clerks or extractors, whose salaries amounted to 450*l.* a year each, making a total of 1,800*l.* per annum, drawn from the public money. Now he the (Lord Advocate) proposed to remove those four extractors, and to establish these two new officers in their stead, by which means a saving of 1,000*l.* a year would be effected.

Sir *William Rae* said, that when he came into office he found six clerks, and, on account of the decrease in the business, he reduced the number to four. Since that time, by means of many improvements which had been introduced in the proceedings of the Court, the business was still further decreased, so that it could be easily performed by the clerks of Session, whose duty it originally was. He thought, the whole of these officers might now be removed, and on this point he expected the support of the hon. Member for Middlesex.

Mr. *Hume* said, he would support the Lord Advocate upon the principle of economy, because he was going to effect a saving of 1,000*l.* a year.

Sir *George Clerk* wondered why the hon. Member would not go further, and join his right hon. Friend in omitting the clause and getting rid of the expense altogether.

Mr. *Hume* said the principal reason why he supported the clause in its present shape was, because it was founded on the recommendation of the Commissioners.

Mr. *Goulburn* said, he wished to explain the grounds upon which he should support the amendment proposed by the right hon. Baronet. It appeared that originally it was the duty of the clerks of Session to prepare the proceedings of the Court, they being officers perfectly conversant with all the forms and practices thereof. At that time the documents and extracts to be so prepared were exceedingly voluminous, and assistants were provided. The labour, however, having been reduced, his right hon. Friend reduced the number of extractors; the question now was, whether the business was so reduced as to come within the capabilities of the clerks of Session, and to justify a further reduction in the number of these extractors, or their total removal. It was admitted on all sides that those clerks were not over worked, and that they were well paid. And it also appeared that they were sufficient to perform the duty. A stronger case must therefore be made out to induce him to support the appointment of two new officers.

The Committee divided on the clause—yes 53; Noes 34;—Majority 19.

The remainder of the clauses were agreed to.

Mr. *Gillon* rose to move a clause, of which he had given notice, the object of which was to disable Judges of the Court of Session from sitting in the General Assembly of the Church of Scotland, and also to provide that those learned persons be not members of any mercantile company, There were, he observed, several objections to their occupying seats in the General Assembly; one of these was, that they there met on terms of perfect equality with the youngest advocate belonging to the profession, and they were thus exposed to frequent collisions with persons junior to them in age, and much inferior in rank; but a still stronger reason was this, that in the Court of Session they might be, and indeed often were called upon to revise the proceedings of the General Assembly, and to decide upon them.

The *Lord Advocate* did not see any reason why a subject of that sort need be made the subject of a legislative enactment. It must be well known to many hon. Members then present, that Judges had often had seats in that House without its being found to interfere with their judicial duties. At present there was but one Judge of the Court of Session who belonged to the General Assembly; for that learned individual he entertained the highest respect, and he was quite sure that the performance of one class of his duties never interfered with that of the other. With only one Judge, then, in the General Assembly, it was hardly worth while to found on that a Parliamentary proceeding. Doing so would seem to imply that the Judges of the Court of Session did not so far defer to public opinion as to abstain from connexion with matters inconsistent with their judicial situations.

Clause withdrawn.

The House resumed.

Business of the House.] Mr. Poulter rose to move, that the Order of the Day for going into Committee on the Poole Corporation Bill be read.

Sir *George Clerk* objected to the House adopting this course. He understood from what fell from the noble Lord (Lord John Russell) at an earlier part of the evening, that the whole of the Bills relating to subjects connected with Scotland, that stood on the orders for that day, should be gone through, before any other business was proceeded with. Discussion on business relating to Scotland was very rare, and he thought it would be very hard on the Members from that part of the country, if they were not allowed to be proceeded with. He trusted that the House would act upon the understanding which had been come to, and proceed with those Bills which the Lord Advocate had expressed his determination of getting through during the present Session.

Mr. *Poulter* said, the noble Lord, the Secretary of State, and leader of that House, had distinctly told him that he (Mr. Poulter) should be permitted to proceed with the Poole Corporation Bill, when the Scotch Bills, which had been under consideration, were disposed of, that being the rotation in which the Bill in question stood on the orders. He must say, that he considered it rather strange that those hon. Gentlemen opposite, who expressed such a strong anxiety with regard to those Scotch Bills, had themselves endeavoured to prevent the House proceeding with them, by having the House counted, as it had been, at an earlier period of the evening, although it did so turn out that there were more than forty Members present. He should persevere in his motion.

Sir *Edward Knatchbull* was quite sure that the counting of the House did not originate with those who wished to proceed with these Bills; neither he nor those around him participated in that motion, and surely it was going rather too far to charge that side of the House with a wish to obstruct the progress of the public business. He did not know who the hon. Member was who had moved that the House be counted, but it was too much to impute to those Members for Scotland who wished these Bills to be proceeded with, that they had any desire to impede the public business, to get through which they had attended under the express understanding which had been come to with respect to these measures. The Members on the Opposition side of the House could know nothing of what passed privately between the hon. Member for Shaftesbury and the noble Lord (Lord J. Russell). The noble Lord had said, the Scotch Bills were to be proceeded with first; and on his way down to the House, he had met several hon. Members, who had told him that such was the case.

The *Lord Advocate* had understood that he was to proceed with his two first Bills. With regard to his other Bills, whether they should come on or not, in preference to that of the hon. Member for Shaftesbury, he should leave for the right hon. the Speaker to decide. He should wish to insist on his right to go on, if he was intitled to do so.

Mr. *Cutlar Fergusson* certainly understood that the whole of the Scotch Bills were to be proceeded with; and he must say, it would be rather hard upon Scotch Members, who had been awaiting the discussion of these measures nearly the whole of the Session, if that understanding was not to be adhered to. His understanding was, that the previous discussion related to what question should come on when the Scotch Bills were disposed of.

Mr. *Williams Wynn* said, the rule was, that Orders of the Day were completely within the control of the House. At the same time the practice had been, that on one day in the week, the orders were to be taken in the rotation in which they stood in the paper, but on the others that the Government should have the priority in bringing on any business connected with the legislation of the country generally. He must complain of the injustice of the House being led to believe that business of a particular description should come on, and then that they should be told that there was a private understanding between an hon. Member and the leader of the House, that other business was to be proceeded with. He thought the House had also a right to complain that notice had not been given, that it was not intended to give the preference to any Government measure that evening.

Mr. *Jarvis* said, that the object of the hon. Member for Shaftesbury was to further the Poole Corporation Bill a stage. The proceeding would be almost a matter of form, because they were not called upon to rediscuss the principle of the Bill.

Mr. *Goulburn* had understood that the Scotch business was to come on that evening; and he had met several hon. Members who had left the House under that impression. He thought it would be most unfair to the Scotch Members to take any other business.

Mr. *Wakley* said, the noble Lord, the Secretary of State for the Home Department, in the early part of the evening, had stated distinctly, that the Government had the right to take their orders first, but they had waived that right in favour of the hon. Member for Shaftesbury.

Sir *George Clerk* said, that the understanding certainly was, that if the remaining Scotch Bills on the list were not gone into, they would be abandoned for the present Session. Such was his impression upon putting questions to the Lord Advocate in the early part of the evening.

Mr. *Gillon* contended, that if the Scotch Bills were not proceeded with on that evening, the Scotch Members would be very ill-used.

Sir *William Rae* said, he had stopped in town in order to be present to take a share in the discussion on the Scotch Bills; he had made inquiry at the Board of Trade, and had been assured that the Committee on the Lighthouses Bill would be deferred, in order to give precedence to the Scotch business.

Mr. *Poulter* moved, that the Order of the Day for the House to resolve itself into a Committee on the Poole Corporation Bill be read.

Sir *William Rae* moved as an amendment, the Order of the Day for the further consideration of the Report on the Small Debts (Scotland) Bill.

The House divided on the question, that the words proposed to be left out, stand part of the question: Ayes 43; Noes 32—Majority 11.

The House again divided on the original question, namely, that the Order of the Day for the Committee on the Poole Corporation Bill be now read: Ayes 33; Noes 57—Majority 24.

The Small Debts Scotland Bill was, on the motion of the Lord Advocate, recommitted.

List of the AYES *on the First Division.*

Aglionby, H. A.
Barnard, E. G.
Bowring, Dr.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, C.
Chalmers, P.
Chichester, J. P.
Clive, E. B.
D'Eyncourt,rt.hn.C.T.
Donkin, Sir R.
Dunlop, J.
Ewart, W.
Fellowes, hn. Newton
Hector, C. J.
Hobhouse,rt.hon.SirJ.
Hume, J.
Jervis, J.
Marshall, W.
Marsland, H.
Murray, rt. hn. J. A.
O'Ferrall, R. M.
Parnell, rt. hn. Sir H.
Pelham, hon. C. A.
Philips, G. R.
Ponsonby, hon. W.
Potter, R.
Rundle, J.
Sanford, E. A.
Smith, R. V.
Stanley, E.
Steuart, R.
Strutt, E.
Tancred, H. W.
Thompson, Colonel
Thornely, T.
Wakley, Thoma
Walker, R.
Warburton, H.
Wood, Alderman
Wrightson, W. B.
Young, G. F.

TELLERS.

Poulter, J.
Tulk, C. A.

List of the NOES.

Agnew, Sir A.
Arbuthnot, hon. H.
Balfour, T.
Baring F. T.
Chihsolm, A. W.
Dillwyn, L. W.
Egerton, Lord F.
Feilden, William
Fielden, John
Forbes, W.
Fremantle, Sir T.
Gaskell, J. Milnes
Gillon, W. D.
Gordon, hon. W.
Goulburn, rt. hon. H.
Grey, Sir George
Hastie, A.
Hay, Sir J.
Hoy, J. B.
Hughes, W. H.
Johnston, A.
Knatchbull, right hon. Sir E.
Mackenzie, S.
Maule, hon. Fox
Plumptre, J. P.
Pringle, A.
Richards, R.
Rickford, W.
Twiss, H.
Wallace, R.
Wilson, H.
Wynn, rt. hon. C. W.

TELLERS.

Rae, rt. hon. Sir W.
Clerk, Sir George

List of the AYES *on the Second Division.*

Aglionby, H. A.
Attwood, T.
Bagshaw, J.
Barnard, E. G.
Bowring, Dr.
Brocklehurst, J.
Brodie, W. B.
Byng, G. rt. hn. G. S.
Clive, E. B.
D'Eyncourt, right hn. C. T.
Donkin, Sir R.
Ewart, W.
Fellowes, hn. Newton
Hector, C. J.
Marshall, W.
Marsland, H.
O'Ferrall, R. M.
Pelham, hon. C. A.
Philips, G. R.
Ponsonby, hon. W.
Potter, Richard
Rundle, J.
Sanford, E. A.
Sharpe, General
Strutt, E.
Tancred, H. W.
Thompson, Colonel
Thornely, Thomas
Trelawny, Sir W.
Tulk, C. A.
Wakley, Thomas
Walker, R.
Wood, Alderman

TELLERS.

Poulter, J.
Jervis, J.

List of the NOES.

Agnew, Sir A.
Arbuthnot, hon. H.
Balfour, Thomas
Baring, F. T.
Benett, J.
Bonham R F
Brotherton, J.
Buller, C.
Chalmers, P.
Chandos, Marquess of
Chichester, J. P.
Chisholm, A. W.
Dalmeny, Lord
Dillwyn, L. W.
Dunlop, J.
Ebrington, Lord
Egerton, Lord F.
Feilden, W.
Fergusson, rt. hn. C.
Fielden, J.
Forbes, W.
French, F.
Gaskell, J. M.
Gillon, W. D.
Gladstone, Thomas
Gordon, hon. W.
Goulburn, rt. hon. H.
Grey, Sir George
Hamilton, G. A.
Hardy, J.
Hastie, A.
Hay, Sir John
Hobhouse, rt.hn.SirJ.
Hodges, Thomas Law
Hoy, John Barlow
Hughes, W.
Hume, Joseph
Johnson, A.
Knatchbull, right hon. Sir Edward
Knight, H. G.
Mackenzie, S.
Maule, hon. Fox
Murray, rt. hn. J. A.
Plumptre, J. P.
Pringle, A.
Rae, right hon. Sir W.
Richards, R.
Rickford, W.
Smith, R. V.
Stanley, E. J.
Steuart, R.
Twiss, H.
Wallace, R.
Warburton, H.
Wilson, R.
Wynn, rt. hn. C. W.
Young, G. F.

TELLERS.

Clerk, Sir George
Fremantle, Sir T.

POOLE CORPORATION.] On the motion of Mr. Poulter, the House resolved into Committee on the Bill.

The 1st Clause having been read,

Mr. *Forbes* said, he should oppose it, as he considered the Bill most arbitrary and unjust. If it were wished to remedy any defects in the municipal system of Poole, why had not advantage been taken of the Corporation Act Amendment Bill for that purpose? He moved that the first clause of the Bill be expunged.

Mr. *Trevor* supported the motion. He believed that if the municipal elections in Poole had turned out satisfactorily to the gentlemen on the Ministerial side of the House, the present Bill would never have been heard of. It was a most unjust measure, because the case was about to undergo investigation in a court of law.

Mr. *Blackburne* maintained that Parliamentary interference was required, for the ordinary courts of justice could afford no remedy in the case, because, whatever might be their decision, it would not suffice to undo all the mischief which had already been done. Besides, two years might elapse before the judgment of a court of law could be obtained. By the undue election of two councillors, a particular party had obtained the majority in the Corporation of Poole, and had given to the officers employed by them whatever compensation they pleased. If it could be shown him that that grievance might be remedied by a court of law, he would then be ready to vote against the Bill.

Mr. *Wynn* had strong objections to the principle of the Bill, and also to the manner in which the Committee of Inquiry on the subject was conducted, for he ventured to say, that every rule which had hitherto governed Committees with regard to the reception of evidence had been violated. He did not understand what useful object the hon. Members opposite had in view in pressing forward the present Bill, for, considering the late period of the Session, and the certainty that in this case the other House would require to hear evidence at the bar, it was impossible for any person to believe that there was any chance of the Bill passing into law before the prorogation. The present Bill was a Bill of pains and penalties, having for its object to set aside the elections of certain members of the common-council of Poole, who possessed an undoubted right at common law to have their case tried by the Court of King's Bench. The operation of the Bill was not limited to the two individuals with respect to whom evidence had been received by the Committee of Inquiry, but by one sweeping enactment it affected the election of all the members of the council. Moreover, it set aside all the acts of the council, and all elections which it made of officers. Was this a fair course of proceeding? When the present Parliament first assembled, the choice of the Speaker was decided, in the fullest House ever remembered, by a majority of ten votes. Now, supposing that, with respect to the first five seats vacated in consequence of the Reports of Election Committees, Conservative Members had been substituted in the place of Gentlemen who gave their support to the Ministry, would it ever have been allowed that that circumstance should have the effect of nullifying all the previous proceedings of the House? And yet it was proposed in the case of the Poole Corporation, that all its acts should be set aside in consequence of the undue election of two of its members. The Committee stated in their Report, that the petitioners in the present case had made every effort to obtain redress from the courts of law; but there was not a syllable of evidence to that effect in the Report. In point of fact, the case would, as he understood, be tried at the assizes in the course of a fortnight; and he conceived that nothing could be more inconvenient than to have a verdict pronounced on it at the same time by that House; which, like that in a recent proceeding, might be at direct variance with the judgment of a court of law delivered after hearing evidence on oath. As he felt it to be impossible the Bill should ever pass into law, he would advise hon. Gentlemen on his side of the House not to enter into a discussion of the elections which were alleged to be undue, because what was said in that House would be read out of it, and might have some effect in influencing the decision of the jury before which the case would be tried. He did not think that much attention ought to be paid to the Report of the Committee, because every rule of Parliament had been violated by the admission of affidavits. Those affidavits were not contained in the body of the Report, but they were referred to, so that it was evident they had influenced the conclusions of the Committee. They had been, however, prudently enough separated from the Report, because it was well known that the Report must have been rejected by the House had the affidavits been contained in it. The right hon. Gentleman then referred to the opinion given as to the Bill by the only legal adviser of the Crown who could speak on the subject—namely, the Solicitor-General. (The Attorney-General having been counsel in the case could not offer any opinion on it.) That hon. and learned Gentleman (the Solicitor-General) had stated, that he felt it his duty to object to the Bill, as unusual in practice, dangerous in principle, and tending to establish a very bad precedent, and on those grounds he had protested against it. The events to which the Bill referred had taken place last December, and there was then a trial pending in the Court of King's Bench respecting them. Witnesses would be examined on oath, and there was every chance of having the whole truth as to the case elicited. A court of law, he added, was the proper tribunal to which to refer the case. The course proposed by the Bill would be a direct interference of the Legislature with the judicial functions of our law courts. Now, after the declaration of the only legal adviser of the Crown who could speak on the measure, he would ask hon. Members opposite whether they could vote for the Bill.

Mr. *Poulter* said, a greater quantity of misconception, of unfair and inaccurate reasoning, was never before presented to the consideration of the House, than was brought before it by the right hon. Gentleman. There had been such a mass of unreasonable arguments that he really was in a dilemma as to what he should begin with. In the first place he would refer to the allusion which had been made to the speech of the Solicitor-General; and here he must say, that he did not know where the right hon. Gentleman had got the speech, but it was certainly an inaccurate version that he gave the House. The Solicitor-General admitted that this was a perfect case for legislation. The fact was undeniable that gross fraud had been practised at the election of the councillors, who had been referred to. The reason why they had not called the eighty-eight witnesses was, because the Committee wished to avoid expense, but no limit was set as to the time when they might be called. Then, as regarded the affidavits not appearing in the appendix, that omission was an error of the printer. The great recommendation of this Bill was, that it provided what the law of the country could not give. If this Bill did not pass, the people would be left for six years in the hands of those in whose election they had no concern whatever. The Committee had so many gross cases of fraud proved to them, that they felt themselves called on to declare the whole election void. And on the subject of the Report he begged to remind the House that it was unanimous. The utmost that was said by one or two of the Committee was, that they did not like to legislate on this subject. The House should consider that, by a gross falsification, a Corporation had been established that never had been elected by the people. He contended that this Bill was unobjectionable on any constitutional ground.

Mr. *Wynn* would ask if any one act of illegality appeared on the face of the Report.

Mr. *Poulter* referred to the case of G. Morris, who, having voted on one paper, a second was received by the mayor. Then there was another person whose name was not on the list of voters, but who was allowed to vote because he had the impudence to say that he was the person. James Parker was brought to personate his father, in the case of another person there was perjury.

An hon. Member asked, whether this case was not to come on for trial at the next Gloucester assizes.

Mr. *Poulter* replied in the affirmative; and, in answer to another question from the same hon. Member, added, that it was impossible that the decision of a jury could be any other than against the defendant.

Mr. Sergeant *Goulburn* said, every body who had heard the statement of the hon. Gentleman must feel assured as to the impartiality with which he had acted in the chair of the Committee. Of course, the hon. Gentleman had not exhibited anything of the advocate in the inquiry which had taken place. He found it stated, that the Report had been framed on certain affidavits. Now, he thought it unfair for any such proceedings to be founded on affidavits, when there was strong political excitement or feeling, parties were often tempted to put that on paper which they would not say if they apprehended a cross-examination. He remembered that Lord Lyndhurst when at the bar said—"who shall transfer the blush of bribery to paper?" He observed that there was a reference to the affidavits in the appendix, but on examining it he found no affidavits there. This the hon. Gentleman said was the omission of the printer; but be the fault whose it might, he would ask the House would they vote away the rights of the people without evidence? He regretted the absence of the learned Solicitor-General, because he wished to know whether the hon. and learned Gentleman maintained his opinion. This appeared to him to be a Bill founded on injustice. He called on the House to reflect on what their position would be if the judgment of the court, at the assizes, should be in direct opposition to the opinion of this House.

Mr. *Leader* defended the conduct of the Committee, and denied that the Chairman had put questions unfairly to any of the witnesses. The Committee was a very fair one, and was attended daily by three or four gentlemen on one side, and three or four on the other side.

Mr. *Hardy* could not see how hon. Gentlemen opposite could support the Bill, after the Solicitor-General had described it as a dangerous precedent. For himself, he should give it his decided opposition.

Mr. *Twiss* must totally deny that the Committee was satisfied with the evidence, or that they were unanimous in their decision. This was evident from the fact that some members of the Committee voted against the Bill. On the trial also which took place, some of those who had been condemned by the Committee were declared innocent by a court of law. He believed no enlargement of the rule, as it was stated, had taken place, and that the case stood for hearing this month. Let them look at the inconvenience which might arise if this matter should be brought before the House of Lords, where it was not the practice to examine witnesses upon affidavit. There was no sufficient reason shown why the House should now prematurely decide upon a question which would be far more satisfactorily decided upon by a court of law.

Mr. *Praed* rose, amidst cries of "Question." He was sitting there, he said, judicially, and he trusted the House would hear him. He was not present upon a former occasion when the Solicitor-General delivered his opinion upon this Bill. In this he was unfortunate, but the Solicitor-General himself was equally unfortunate in not having heard his (Mr. Praed's) opinion. He did not deny that this might be a case for Parliamentary decision, but not under present circumstances, because it was pending in a court of law. If the Solicitor-General were now present, he felt confident that, after the opinion before expressed by his hon. and learned Friend, the Bill would not be allowed to proceed further. He contended that the case of Great Yarmouth was a case in point. There, two witnesses were dismissed by a Committee of the House of Commons, as blameless and without reproach, who, however, were afterwards visited with the strongly marked condemnation of a jury. The House of Commons, a political tribunal, was here called upon to legislate upon a political crime. Such a course was pregnant with mischief, and he would oppose the Bill in every stage.

The House divided on the clause—Ayes 98; Noes 64;—Majority 34.

List of the Ayes.

Aglionby, H.
Adam, Admiral
Attwood, Thomas
Bellew, Richard M.
Baines, Edward
Ball, N.
Baldwin, Dr.
Bagshaw, John
Baring, F. T.
Blamire, W.
Bridgman, Hewitt
Byng, George
Brotherton, J.
Brodie, William B.
Buckingham, J. S.
Blackburne, John
Bowring, Dr.
Brocklehurst, J.
Cave, R. O.
Chichester, J. P. B.
Codrington, Sir E.
Curteis, Herbert B.
Cavendish, hon. C. C.
Chalmers, P.
Clive, Edw. Bolton
Dalmeny, Lord
Dillwyn, L. W.
Dundas, hon. J. C.
Dunlop, J.
D'Eyncourt, C. T.
Ebrington, Lord
Euston, Lord
Ewart, W.
Fellowes, N.
Fergusson, rt. hon. C.
Ferguson, Sir R.
Gordon, Robert
Grey, Sir Geo., bt.
Grosvenor, Lord R.
Gillon, W. D.
Heathcote, J.
Hastie, A.
Hay, Sir A. L.
Hawes, Benjamin
Hawkins, J. H.
Hindley, C.
Horsman, E.
Hobhouse, Sir J. C.
Hodges, T. L.
Kemp, T. R.
Leader, J. T.
Lemon, Sir C.
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